

ROANOKE CITY COUNCIL REGULAR SESSION

AUGUST 19, 2002 2:00 P.M.

CITY COUNCIL CHAMBER

AGENDA FOR THE COUNCIL

1. Call to Order--Roll Call.

The Invocation will be delivered by The Reverend Seymore G. Cole, Pastor, Melrose Avenue Seventh Day Adventist Church.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

NOTICE:

Meetings of Roanoke City Council are televised live on RVTV Channel 3. Today's meeting will be replayed on Channel 3 on Thursday, August 22, 2002, at 7:00 p.m., and Saturday, August 24, 2002, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

ANNOUNCEMENTS:

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE NOW PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT <u>WWW.ROANOKEGOV.COM</u>, CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM, TO OBTAIN AN APPLICATION.

2. PRESENTATIONS AND ACKNOWLEDGMENTS:

A RESOLUTION memorializing the late James Edward Taliaferro, Sr., former Mayor of the City of Salem, who passed away on August 3, 2002.

P. 15

A RESOLUTION memorializing the late Alfred N. (Hoot) Gibson, former City Auditor, who passed away on Thursday, August 1, 2002.

P. 17

Proclamation declaring Friday, August 30, 2002, as Hokie Pride Day.

P. 19

Presentation by Virginia Amateur Sports, Inc., with regard to the 2002 Commonwealth Games of Virginia. Pete Lampman, President.

P. 20

3. **CONSENT AGENDA**

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

C-1 Minutes of the Organizational Meeting and the Regular Meeting of the Council of the City of Roanoke held on Monday, July 1, 2002.

P. 21

RECOMMENDED ACTION: Dispense with the reading thereof and approve the minutes as recorded.

Minutes of the Audit Committee meeting held on Monday, August 5, C-2 2002.

RECOMMENDED ACTION: Receive and file.

Annual report of the Audit Committee for the period ended June 30, P. 69 C-3 2002.

RECOMMENDED ACTION: Receive and file.

Annual report of the Municipal Auditor for the period ended June 30, P. 71 C-4 2002.

RECOMMENDED ACTION: Receive and file

C-5 Qualification of Diana B. Sheppard as a Member of the Board of Zoning Appeals for a term ending December 31, 2005.

RECOMMENDED ACTION: Receive and file.

REGULAR AGENDA

Appointment of a Trustee to the Roanoke City School Board to fill the unexpired term of Sherman P. Lea, resigned, ending June 30, 2003. Applicants are:

> Edna Crabbere David M. Dabay F. B. Webster Day John W. Elliott, Jr. William H. Lindsey

PUBLIC HEARINGS: NONE. 4.

PETITIONS AND COMMUNICATIONS: 5.

A communication from the Honorable Donald S. Caldwell, a. Commonwealth's Attorney, with regard to a briefing on the Cost Collection Department for fiscal year 2001-02.

P. 74

b. A communication from the Honorable Donald M. Caldwell. Commonwealth's Attorney, in connection with a Victim/Witness Assistance Grant; and a communication from the City Manager concurring in the recommendation.

P. 76: B/O 81; R. 83

c. A communication from the Honorable Donald M. Caldwell, Commonwealth's Attorney, in connection with a Drug Prosecutor grant; and a communication from the City Manager concurring in the recommendation.

P. 84; B/O 86; R. 88

d. A communication from the Honorable Donald M. Caldwell, Commonwealth's Attorney, in connection with Asset Forfeiture; and a communication from the City Manager concurring in the recommendation.

P. 90; B/O 91

e. A communication from F. B. Webster Day, Attorney, representing the Industrial Development Authority of Botetourt County, requesting adoption of a measure approving issuance of bonds by the Industrial Development Authority of Botetourt County, Virginia, for the benefit of the Roanoke Valley Society for the Prevention of Cruelty to Animals, Inc., and Animal Care Services, Inc., in the amount of \$3.6 million to assist in financing of a regional animal pound facility.

P. 92; R. 100

6. REPORTS OF OFFICERS:

a. CITY MANAGER:

BRIEFINGS:

1. Briefing with regard to PC Navigators. (15 minutes)

P. 104

ITEMS RECOMMENDED FOR ACTION:

2. A communication with regard to contract award to KCI Technologies, Inc., for project administration/inspection services and limited project management services for Roanoke Civic Center expansion and renovation, Phases I and II.

P. 105; R. 107

3. A communication recommending acceptance of the bid of Aaron J. Conner, General Contractor, Inc., in the amount of \$186,860.00, for Airport Road Storm Drain Extension; and appropriation of funds.

P. 108; B/O 111; O. 112

4. A communication recommending acceptance of the bid of Verizon Select Services, Inc., in the amount of \$1,258,004.00, for telephone system solutions to replace the current City centrex service.

P. 114; B/O 117; O. 120 5. A communication in connection with funding for the Fifth District Employment and Training Consortium, Economic and Employment Improvement Program for Disadvantaged Persons; and appropriation of funds.

P. 122; B/O 125

6. A communication recommending that the City Manager be authorized to enter into a contract with U. S. Cellular for use of "HELP" and "CALL" program cell phones and service, for a period of one year.

P. 127; R. 129

7. A communication with regard to the Federally Forfeited Property Sharing Program and appropriation of funds.

P. 130; B/O 132

8. A communication in connection with funding for emergency water purchases, drought management and infrastructure improvements; and appropriation of funds.

P. 133; B/O 136

9. A communication with regard to wet weather improvements at the Water Pollution Control Plant.

P. 137; B/O 139; R. 140; R. 141

b. CITY ATTORNEY:

. A report with regard to delinquent real estate taxes.

P. 143; O. 144

7. REPORTS OF COMMITTEES:

a. A report from the Roanoke City School Board requesting appropriation of \$125,000.00 for the Title I Even Start Family Literacy Grant; and a report of the Director of Finance recommending that Council concur in the request.

P. 145; B/O 147

8. UNFINISHED BUSINESS: NONE.

9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

a. A Resolution canceling the work session meeting of City Council scheduled to be held at 12:15 p.m., on September 30, 2002, and changing the date of the regular meeting of City Council scheduled to be held at 12:15 p.m. and 2:00 p.m., on Tuesday, October 1, 2002, to 12:15 p.m. and 2:00 p.m., on Thursday, October 3, 2002.

P. 148

10. MOTIONS AND MISCELLANEOUS BUSINESS:

- a. Inquiries and/or comments by the Mayor, Vice-Mayor and Members of City Council.
- b. Vacancies on various authorities, boards, commissions and committees appointed by Council.

11. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

12. CITY MANAGER COMMENTS:

THE COUNCIL MEETING WILL BE DECLARED IN RECESS UNTIL 5:00 P.M., FOR A JOINT MEETING OF COUNCIL AND THE CITY PLANNING COMMISSION, ROOM 159, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., CITY OF ROANOKE.



CITY COUNCIL/CITY PLANNING COMMISSION JOINT MEETING

5:00 P.M.

EMERGENCY OPERATIONS CENTER CONFERENCE ROOM

AGENDA

- 1. Call to Order.
- 2. Roll Call by the City Planning Commission.
- 3. Welcome. Mayor Smith.
- 4. Invocation/Dinner.
- 5. The Comprehensive Plan as the City of Roanoke's "Guiding Light". (20 minutes)
- 6. Undergrounding of utilities as a part of major street rebuilding projects. (10 minutes)
- 7. Development/Update of the Greenway/Pedestrian Plan for the City of Roanoke. (10 minutes)

- 8. Review of the currently proposed flood reduction project for the Roanoke River and ensuring consistency with the environmental and aesthetic policies contained in the Comprehensive Plan. (10 minutes)
- 9. Discussion with regard to Street/Alley Closure Process and Policy. (15 minutes)
- 10. City Planning Commission coordination with City Council appointed/initiated special study commissions or ad hoc task forces and committees. (10 minutes)
- 11. Other Business.

THE CITY COUNCIL MEETING WILL BE DECLARED IN RECESS TO BE RECONVENED AT 7:00 P.M., IN THE CITY COUNCIL CHAMBER, FOURTH FLOOR, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., CITY OF ROANOKE.



ROANOKE CITY COUNCIL REGULAR SESSION

AUGUST 19, 2002 7:00 P.M.

CITY COUNCIL CHAMBER

AGENDA FOR THE COUNCIL

Call to Order -- Roll Call.

The Invocation will be delivered by Mayor Ralph K. Smith.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor Smith.

Welcome. Mayor Smith.

NOTICE:

Tonight's meeting will be televised by RVTV Channel 3 to be replayed on Thursday, August 22, 2002, at 7:00 p.m., and Saturday, August 24, 2002, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

A. PUBLIC HEARINGS:

1. Public hearing to receive the views of citizens regarding appointment of a School Board Trustee to fill the unexpired term of William E. Skeen, resigned, ending June 30, 2005. Applicants are:

Edna Crabbere
David M. Dabay
John W. Elliott, Jr.
Lewis P. Grogan
William H. Lindsey
Michael W. Ridenhour

2. Public hearing on the request of Valley Pine Mortgage, Inc., that a tract of land described as a 0.010 acre portion of Lot 1, Block 7, Mountainview, Official Tax No. 1221013; and a 0.204 acre portion of Lots 11 and 12, Block 7, Mountainview, Official Tax No. 1221014, located on Virginia Avenue, S. W., be rezoned from RM-2, Residential Multifamily, Medium Density District, to LM, Light Manufacturing District. Stephen W. Lemon, Attorney.

P. 149; O. 157

3. Public hearing on the request of Valley Pine Mortgage, Inc., that a portion of Virginia Avenue, S. W., from 13th Street, to Spottswood Avenue, S. W.; an alley lying between parcels bearing Official Tax Nos. 1221013 and 1221014; and an alley lying between parcels bearing Official Tax Nos. 1221203 and 1221207, be permanently abandoned, vacated, discontinued and closed, to the extent that the City of Roanoke has any legal interest in said public right-of-way. Stephen W. Lemon, Attorney.

P. 159; O. 168

4. Public hearing with regard to rezoning a tract of land containing 1.34 acre, consisting of five tracts of land described as Official Tax No. 1113305, 505 Sixth Street, S. W., Official Tax No. 1113501, 0 Luck Avenue, S. W., Official Tax No. 1113502, 0 Luck Avenue, S. W., Official Tax No. 1113312, 0 Marshall Avenue, S. W., and a portion of Official Tax No. 1113313, 0 Marshall Avenue, S. W., from LM, Light Manufacturing District, and C-1, Office District, to C-3, Central Business District. Worth H. Boone, Jr., Spokesperson.

P. 174; O. 196 5. Public hearing on the request of Cesar Dominguez to repeal and replace proferred conditions relating to property located at 325 Jefferson Street, N. E., Official Tax No. 3012801. Cesar Dominguez, Spokesperson.

P. 198; O. 204

6. Public hearing on the request of Cape Town, L.C., and Steven W. Morris that two tracts of land located on the southwest side of Roberts Road, S. W., Official Tax Nos. 1290211 and 1290212, be rezoned from RS-3, Residential Single Family District, to C-1, Office District, subject to certain conditions. Daniel F. Layman, Jr., Attorney.

P. 206; O. 221

7. Public hearing on the request of Franklin Road, L.L.C., that a 0.717 acre portion, more or less, of excess right-of-way of Franklin Road that adjoins Official Tax No. 1300101, be permanently abandoned, vacated, discontinued and closed, to the extent that the City of Roanoke has any legal interest in said public right-of-way. Steven S. Strauss, Manager, Structures Design/Build, L.L.C., Spokesperson.

P. 223; O. 224

8. Public hearing with regard to consideration by the City of Roanoke of awarding a Lease and/or Agreement between the City of Roanoke and Warehouse Row, L.P., to provide that Warehouse Row will lease, renovate and equip City-owned buildings located at 117 and 119 Norfolk Avenue, S. W., for a lease term up to 40 years, upon certain terms and conditions; and to consider the possible lease of all or part of City-owned property located at 117-123 Salem Avenue, S. W., Official Tax Nos. 1010409 - 1010411, inclusive, to Warehouse Row for use as parking spaces in connection with the abovementioned lease of buildings, the initial term of lease of such property for parking spaces will be for a period of up to five years. Darlene L. Burcham, City Manager; and William M. Hackworth, City Attorney, Spokespersons.

P. 229; O. 253

9. Public hearing on a proposal of the City of Roanoke to vacate a portion of a sanitary sewer easement located on Gum Spring Street, S. E., that is encroaching on property identified as Official Tax No. 4200901. Darlene L. Burcham, City Manager, Spokesperson.

P. 257; O. 260

P. 261; O. 268

- 10. Public hearing on a proposal of the City of Roanoke to lease a portion of the City owned Washington Heights Water Tank site, located in the 4100 block of Wyoming Avenue, to Cellco Partnership, a Delaware general partnership, d/b/a Verizon Wireless, for the purpose of installing antennas and related equipment thereon to provide radio and wireless telecommunications services. Darlene L. Burcham, City Manager, Spokesperson.
- 11. Public hearing on a proposal of the City of Roanoke to vacate an existing water line easement located on privately owned property in exchange for a relocated easement to be dedicated to the City of Roanoke; and thereafter, the City of Roanoke proposes to quitclaim a portion of the new easement to the Virginia Department of Transportation, in connection with development of Kingston Estates, a new subdivision located in Roanoke County. Darlene L. Burcham, City Manager, Spokesperson.

B. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

MOTION AND CERTIFICATION WITH RESPECT TO CLOSED MEETING

FORM OF MOTION:

I move, with respect to any Closed Meeting just concluded, that each member of City Council in attendance certify to the best of his or her knowledge that (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by the members of Council in attendance.

PLEASE NOTE:

- 1. The forgoing motion shall be made in open session at the conclusion of each Closed Meeting.
- 2. Roll call vote included in Council's minutes is required.
- 3. Any member who believes there was a departure from the requirements of subdivisions (1) and (2) of the motion shall state <u>prior to the vote</u> the substance of the departure that, in his or her judgement, has taken place. The statement shall be recorded in the minutes of City Council.

NNE

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION memorializing the late James Edward Taliaferro, Sr., a former mayor of the City of Salem.

WHEREAS, the members of Council learned with sorrow of the passing of Mr. Taliaferro on Saturday, August 3, 2002; and

WHEREAS, after attending Andrew Lewis High School, Mr. Taliaferro served in the 101st Airborne as a paratrooper for three years;

WHEREAS, Mr. Taliaferro worked for the Norfolk and Western Railroad, and then became a salesman for the Shelton-Witt Equipment Company;

WHEREAS, Mr. Taliaferro entered the construction business and formed Salem Contracting, Inc., in 1965, and operated the company continuously until his death;

WHEREAS, Mr. Taliaferro entered politics in 1972 by successfully winning election to Salem City Council, and, after two years, was named Mayor—a position he held until 1996, the year of his retirement; and

WHEREAS, while serving as Mayor of Salem, Mr. Taliaferro played a key role in forming the City's school system, and its sports programs and facilities.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. City Council adopts this resolution as a means of recording its deepest regret and sorrow at the passing of James Edward Taliaferro, Sr., and extends to his family its sincerest condolences.

1.0

2. The City Clerk is directed to forward an attested copy of this resolution to Mr. Taliaferro's widow, Rixine Taliaferro, of Salem, Virginia.

ATTEST:

City Clerk

PITI

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION memorializing the late Alfred N. "Hoot" Gibson, a native of Roanoke and former City Auditor and Director of Finance for the City of Roanoke.

WHEREAS, the members of City Council learned with sorrow of the passing of Mr. Gibson on Thursday, August 1, 2002;

WHEREAS, Mr. Gibson graduated from Jefferson High School and served in the Marines in World War II; and

WHEREAS, after graduation from National Business College, Mr. Gibson began working for the City in 1947 as a bookkeeper in the City Auditor's Office; and

WHEREAS, Mr. Gibson was promoted within the department several times, becoming City Auditor in 1972, and finally became Director of Finance in 1974; and

WHEREAS, Mr. Gibson was a member of the Elks, Moose, Masons and Shriners organizations and also prepared tax returns for low-income families for free.

WHEREAS, after faithfully serving the City for 29 years, Mr. Gibson resigned his position in 1976 to become the Executive Secretary of the Employee Pension Plan System in Norfolk, Virginia; and

WHEREAS, Mr. Gibson retired to Tampa, Florida in 1990, where he lived until moving to Texas in 1998 to live with relatives.

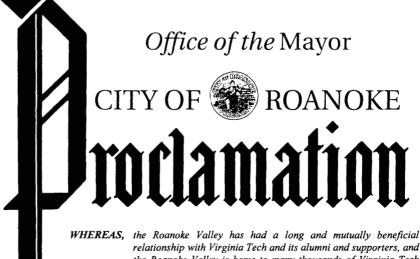
THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. City Council adopts this resolution as a means of recording its deepest regret and sorrow at the passing of Alfred N. "Hoot" Gibson, and extends to his family its sincerest condolences.

2. The City Clerk is directed to forward an attested copy of this resolution to Mr. Gibson's sons, William Gibson of Sunset Beach, North Carolina, and David Gibson of Seal Beach, California, and his daughter Ann Gibson Reiser, of Kingwood, Texas.

ATTEST:

City Clerk



the Roanoke Valley is home to many thousands of Virginia Tech alumni and friends; and

WHEREAS, Virginia Tech has brought positive attention to Southwest Virginia in academics, research and athletics, and the City of Roanoke takes great pride in the accomplishments of the University; and

WHEREAS, the Virginia Tech Hokie Club and the Virginia Tech Alumni
Association are local chapters of the national organizations based in
Blacksburg, Virginia, which were formed to provide alumni and
friends of the University with organizations through which they can
support athletic and academic endeavors of Virginia Tech; and

WHEREAS, the Virginia Tech Hokie Club and the Virginia Tech Alumni Association are promoting Friday, August 30, 2002, as the third annual "Hokie Pride Day", in order to allow supporters to demonstrate their Hokie pride by wearing Hokie colors, displaying flags, stickers, and messages of support, and by providing various business promotional incentives.

NOW, THEREFORE, I, Ralph K. Smith, Mayor of the City of Roanoke, Virginia, do hereby proclaim Friday, August 30, 2002, throughout this great All-America City, as

HOKIE PRIDE DAY.

Given under our hands and the Seal of the City of Roanoke this nineteenth day of August in the year two thousand and two.

ATTEST:

Mary F. Parker City Clerk Ralph K. Smith Mayor



711 C 5th Street, NE Roanoke, Virginia 24016 (540) 343-0987 FAX (540) 343-7407 www.commonwealthgames.org

PRESENTING SPONSORS

Virginia's 13 ABC

PREMIER SPONSORS

Clear Channel Communications, Inc.
High Peak Sportswear
Lewis Gale Clinic
Valleydale Foods

SUPPORTING SPONSORS

Valley View Mall Vistar Eye Center

GOLD MEDAL SPONSORS

Adelphia Business Solutions Coca Cola Holiday Inn - Tanglewood

SILVER MEDAL SPONSORS

BB&T

Blue Ridge Copier First Team Auto Mall Lanford Brothers

BRONZE MEDAL SPONSORS

Advance Auto Parts
AEP
Carilion Health Systems
Delta Dental Plan of VA
Mountain Springs Water
Play It Again Sports
Roanoke Fruit & Produce
Waldvogel, Poe & Cronk

PATRON SPONSORS

Member One NBC Bank Sir Speedy Voice Tel August 12, 2002

Ms. Mary Parker City Clerk 215 Church Ave. Roanoke, VA 24011

Dear Ms. Parker,

Virginia Amateur Sports would like to have the opportunity to say thank you to the City of Roanoke for their outstanding support of the 2002 Commonwealth Games of Virginia at the city council meeting scheduled for Monday, August 19, 2002 at 2:00 pm.

My presentation will take approximately 5-10 minutes. I would also like to present a plaque to the mayor and city council members.

Please accept my thank you in advance for giving me this opportunity to say thank you.

Sincerely,

Peter Lampman

arpman

President

Sponsor of



REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL

July 1, 2002

12:15 p.m.

The Council of the City of Roanoke met in regular session on Monday, July 1, 2002, at 12:15 p.m., the regular meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended.

PRESENT: Council Members William D. Bestpitch, William H. Carder, M. Rupert Cutler, Alfred T. Dowe, Jr., C. Nelson Harris and Mayor Ralph K. Smith---6.

ABSENT: Council Member Linda F. Wyatt-----1.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

COMMITTEES-CITY COUNCIL: A communication from Mayor Ralph K. Smith requesting that Council meet in Closed Session to discuss vacancies on various authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia, (1950), as amended, was before the body.

Mr. Bestpitch moved that Council concur in the request of the Mayor to convene in a Closed Meeting to discuss personnel matters relating to vacancies on various authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia, (1950), as amended. The motion was seconded by Mr. Dowe and adopted by the following vote:

	AYES:	Council	Members	Bestpitch,	Carder,	Cutler,	Dowe,	Harris
and N	<i>l</i> layor Sm	ith						6.
	NAVO. N	lone						0
	NATS:	40116						·U.

(Council Member Wyatt was absent.)

At 12:20 p.m., the Mayor declared the meeting in recess to be reconvened in the Emergency Operations Center Conference Room, Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, for a briefing on water issues.

At 12:25 p.m., the Council meeting reconvened in Room 159, with Mayor Smith presiding, and all Members of the Council in attendance, with the exception of Council Member Wyatt.

WATER RESOURCES: The City Manager introduced a briefing on water issues. She advised that in January 2002, when Council received a major update on the water situation, several Members of Council requested specific information, and City staff was instructed to report back to Council after the staffs of Roanoke City and Roanoke County had met to discuss valley-wide water issues. She noted that Council and staff have worked diligently on behalf of all residents of the City of Roanoke through meetings of the Mayor, the City Manager and Chief of Utilities and their Roanoke County counterparts; the relationship and spirit of cooperation between the City and the County is at its best, particularly as it relates to the two utility systems; and regional cooperation with regard to the two water systems has existed for a number of years.

Michael McEvoy, Director, Department of Utilities, advised that the City is currently on phase four of the water conservation measures plan which requires residential customers to refrain from outside irrigation, the climate forecast for the next six months, according to the United States Weather Service, is average conditions with no indication if there is to be a significantly dryer or wetter period; and Roanoke City is currently purchasing water from the City of Salem, averaging 1.1 million gallons per day, purchasing approximately four million gallons of water from Roanoke County, and the City continues to engage in the traded water concept. He explained that costs average approximately \$310,000.00 per day, and commencing today a surcharge will be instituted on water bills of City customers that will generate approximately \$65,000.00 per month. He stated that other area jurisdictions on water restrictions are Greensboro, Richmond, James City County, Henry County and state wide water restrictions are in effect in Maryland.

He advised that the Crystal Springs Filter Plant is six weeks ahead of schedule; an ultra violet treatment system was approved by the Health Department for Crystal Springs; however, the Environmental Protection Agency intervened and advised of concerns in regard to regulatory issues in Virginia in granting a waiver

to filtration, and opposed the ultra violet treatment method. He explained that the City did not continue to pursue ultra violet treatment; however, another temporary filtration option was explored using a disposable filter system which is designed for temporary service and is a new system that has been tested in the State of Texas. He stated that the temporary filtration option has been approved by the Health Department and can be operational by August 1, 2002, at a cost of \$350,000.00 for a three month lease, which will add three million gallons of additional water per day to the City's water system through the Crystal Springs Filtration site.

The City Manager advised that at the 2:00 p.m. session, Council will be requested to adopt an ordinance authorizing transfer of funds which were previously approved for the ultra violet treatment option to be used for the lease of the temporary filtration system at the Crystal Springs site.

There was discussion in regard to the City's water rate and quality of life issues in which the City Manager pointed out that while it is true that the City of Roanoke has the lowest water rate in the Roanoke Valley in terms of water and sewage treatment, the City also has the largest customer base, therefore, demand on the City's water system is greater than in neighboring jurisdictions. She advised that quality of life is clearly important and there has been unparalleled support by the citizens of Roanoke to conserve water.

Mr. McEvoy advised that other projects include the Muse Spring well, offering one million gallons per day, which will be operational by August 10; Crystal Springs area wells which are intended to increase capacity at the Crystal Springs Filtration Plant; and two new locations have been made available for citizens to obtain non-potable water for irrigation purposes. He noted that from the Muse Spring and Crystal Springs area wells, it is anticipated to generate two million gallons of additional water by October 1 that is not currently available.

He advised that Black and Veach Engineers was selected by the Long Range Water Supply Study Committee to review existing water sources and demands for projecting future water needs, as well as the feasibility and development of area sources; i.e.: James River, New River, Smith Mountain Lake, groundwater and reservoir optimization. He explained that consideration of a regional authority was eliminated from the scope of the contract because only Roanoke City and Roanoke County are interested in pursuing a regional authority. He stated that the City of Salem, Town of Vinton, Botetourt County, Bedford County, Roanoke County and Roanoke City are participants in the Long Range Water Supply Study Committee.

Mr. McEvoy advised that in connection with a regional water authority, current City needs are drought protection/infrastructure, current County needs are rate relief/infrastructure expenses, and significant differences include rates, level of debt and condition of assets. He stated that both the City and the County systems bring in about \$10 million in revenue from the two systems, approximately one-half of the County's revenue goes to debt payment because the Spring Hollow Reservoir was an expensive project and, in addition to assets, the County has a newer water system and the City of Roanoke has an older distribution system.

Mr. McEvoy explained that the 1999 water agreement allows for trading of water and use of water lines up to three million gallons per day, current trading is at 1.5 million gallons per day, the agreement allows the City to purchase four million gallons per day of additional water from Roanoke County, and does not require either jurisdiction to implement water conservation measures, even if such action is taken by the other locality.

There was discussion in regard to whether Roanoke County has been approached in regard to implementing voluntary water restrictions; whereupon, the City Manager advised that a request was made of the County Administrator when complaints were registered by citizens who are using City water but reside in Roanoke County. She explained that the issue for Roanoke County is one of rates because those persons in Roanoke County, regardless of the source of water, are paying the County water rate and Roanoke County officials believe that as long as their customers are paying a much higher rate they should not be subject to restrictions or voluntary conservation.

Mr. McEvoy advised that the 1994 agreement provides for a regional water pollution control plant, all five jurisdictions are actively involved in management of the plant, and monthly meetings are held to discuss operational issues.

When comparing the City and County water systems, it was pointed out that the City's average production is 15.5 million gallons per day, compared to Roanoke County's at 7.5 million gallons per day; Roanoke City serves an equivalent population of 170,000, compared with Roanoke County at 75,000; Roanoke City's effective residential rate of \$2.20 is based on usage of 5000 gallons per month, compared to Roanoke County at \$4.45 based upon a usage of 5000 gallons per month; both Roanoke City's and Roanoke County's revenue is \$10 million; and Roanoke City's debt is \$30 million, while Roanoke County's is \$80 million.

Mr. McEvoy reviewed the benefits of a regional authority which include economies of scale favorable for infrastructure financing and utilization; Virginia law is favorable for formation of authorities; to maximize resources for the benefit of the most number of people; and water supply development requires regional cooperation. He reviewed the types of authorities, i.e.: full service which is a completely separate operating unit with its own governing board; wholesale/resource management which controls sources, with each jurisdiction maintaining distribution and billing; and a "paper" authority which exists to support bonding of joint projects and systems operate separately.

He reviewed the benefits to the City, i.e: operational savings due to shared use of equipment and personnel; optimization of area reservoirs for drought protection and advised of the need to develop the ability to transfer eight million gallons of water per day between City and County systems; the City of Roanoke could utilize Roanoke County's permit to fill Carvins Cove with a new pipeline; increased customer base and access to new customers; and benefits associated with waste water and storm water management.

There was discussion as to whether the City of Roanoke would be on water restrictions if the Spring Hollow and Carvins Cove reservoirs were connected with an \$18 - 20 million pipeline; whereupon, the City Manager advised that the City would most likely not be on the same level of water restrictions; however, everyone should practice water conservation measures given the situation on the East Coast, regardless of whether or not they have water, and the City should continue to pursue additional wells even if it participates in a water authority. She called attention to the need for a water system that is not reliant on one single source and the City should continue to drill wells and get them permitted so that they are available when needed.

In regard to cost impacts pertaining to an authority, Mr. McEvoy advised that some assumption of the County's Spring Hollow Reservoir debt will be required on a mass balance basis and City water rates could go from an effective rate of \$2.20 to approximately \$3.00; reduced transfers to the General Fund for support services and realignment of additional staff would be needed; in addition to Spring Hollow costs, additional infrastructure costs would be needed; a difference in connection fees; the net impact will be to inflate rates (same rate with varying base charges); a rate schedule that would converge to a single rate over some period of time; and a combination of wholesale and retail rates by jurisdiction.

He explained that alternatives to a water authority are to continue with the existing system:

- *Carvins Cove has a good operating history,
- *Crystal Springs is returning to service,
- *City's population is stable,
- *Could still participate in future regional projects,
- *Purchase water when needed,
- *Negative impact on service delivery.

He noted that other alternatives to an authority include attempting to buy a portion of Spring Hollow directly from Roanoke County (four million gallons per day capacity has been priced at \$10 to \$20 million plus operating costs); and contract for a portion of the capacity at the new plant being constructed by the City of Salem.

He addressed groundwater development and advised that resources are available in the southwest and southeast parts of the City to provide five to six million gallons of water per day, most sites would require filtration, most sites are private, groundwater exploration is a gamble, investment could be compromised by droughts, pollution and overuse, and could supplement with purchased water.

In summary, Mr. McEvoy advised that a regional authority provides operational savings, better long term drought protection, potential for customer growth, and the greatest impact on rates and options for improvements in wastewater operations and storm water management. He further advised that ground water development provides lesser impact on rates, a lesser degree of certainty to solve drought protection issues, unforeseen projects could invalidate investment such as droughts, pollution, "mining", could make future regional projects difficult, and the City can still purchase water as needed. He explained that the City could wait for a future regional project; recognize the current drought condition and set aside funds to purchase water and to make a future investment when available; there would be minimal impact on rates; invest in conservation projects through home fixture replacements, wastewater reuse, well irrigation for City parks and other large users; and invest in aggressive leak detection/repairs to minimize losses.

There was discussion in regard to waste water reuse in which Mr. McEvoy advised that Virginia lags behind other states, but it is a concept that is well developed in Arizona, North Carolina, California and Florida, which essentially involves taking treated water from the water treatment plant and using the water for

industrial and irrigation purposes. He stated that the Commonwealth of Virginia has recently received regulations and waste water reuse has been allowed on smaller demonstration projects. The City Manager spoke in support of including the issue of waste water reuse in the City's 2003 Legislative Program, and advised that the Commonwealth of Virginia has only in the last eight to ten months looked at waste water reuse seriously because of existing drought conditions.

Mr. McEvoy advised that City staff is looking to Council for guidance in regard to how to proceed on ground water, a regional authority, and other miscellaneous issues.

Vice-Mayor Harris advised that he would prefer that the City of Roanoke move in the direction of a water authority which would not exclude the exploration of ground water development. He stated that over the long term, the City needs to move toward a regional strategy regarding its water system, and advised that if a pipeline were in place today that would link the Spring Hollow and Carvins Cove reservoirs, City residents would not be on the same level of water restrictions.

The Mayor advised that the authority will merit long term economics and with a water authority and an additional four to five million gallons of water per day, City customers would not be looking at the same level of restrictions as are currently in effect.

Council Member Bestpitch advised that the City of Roanoke made a mistake by not participating in the Spring Hollow project, the City should assume part of the debt and step up to the plate and do what is right over the long term. He also spoke in support of addressing waste water and storm water management issues through a regional authority.

Council Member Cutler advised that from the standpoint of water level in the Roanoke River and the ability to pump into Spring Hollow from the Roanoke River, it would be advantageous if, up stream from the Spring Hollow pumping plant, that water shed management be in place to prevent water from washing off too quickly in Montgomery and Floyd Counties and the head waters of the Roanoke River. He stated that soil and water conservation practices on the watershed, vegetation along the streams, reforestation, assessment to protect vegetation along the streams, small impoundments with excess storage capacity which will reduce floods, increase water quality, provide a better water supply and work together in waste water treatment, should all be a part of the package eventually.

Council Member Carder advised that water issues have been discussed by Council since its first planning retreat in July 2000 and in every planning retreat since that time, and the Council has been diligent in its work. He called attention to the quality of information provided by the City Manager and the amount of time required to produce the information, all of which is necessary for Council to make an informed decision. He stated that the citizens of Roanoke are willing to pay the price to have sufficient water to fulfill their needs; therefore, his vote is to look toward the water authority while also pursuing ground water efforts.

Council Member Dowe advised that immediate steps toward the solution are obvious, and encouraged that City staff continue to be as proactive as possible toward larger projects such as Smith Mountain Lake over the long term.

The City Manager advised that upon hearing the support expressed by Council for a regional authority, City staff felt an obligation to investigate all possibilities and to provide Council with a detailed presentation so that the citizens of Roanoke will understand that Council has based its decision on facts and not on emotion. In order to best serve the citizens of Roanoke, she explained that there is a need to immediately engage a third party consultant to assist with issues of evaluating assets and determining rates so that citizens will have the assurance that Council has proceeded with the knowledge that the City's assets are being fairly evaluated. Secondly, she called attention to the need to set up a meeting with Roanoke County officials to develop a memorandum of understanding which would be a clear indication to proceed with the time, money and effort to address legal issues (four months), operations/employees (nine months), assets/rates (12 months), billing (18 months) and additional interconnections (36 months). She advised that if Council is agreeable to leasing the temporary filtration system at the Crystal Springs Filter Plant, another discussion can take place in 30 days with regard to use of the additional three million gallons of water per day, City staff will continue to pursue the wells that have been identified, and a consultant will be engaged to address the next steps to be taken.

At 1:58 p.m., the Mayor declared the meeting in recess to be reconvened immediately following the Organizational Meeting of Council, scheduled to convene at 2:00 p.m., in the City Council Chamber.

On Monday, July 1, 2002, at 2:00 p.m., the Council of the City of Roanoke held its Organizational Meeting in the Roanoke City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with

Mayor Ralph K. Smith presiding, pursuant to Section 10, Meetings of Council, of the Charter of the City of Roanoke, at which time the newly elected Members of the Council will officially take their seats.

PRESENT: Council Members William D. Bestpitch, William H. Carder, M. Rupert Cutler, Alfred T. Dowe, Jr., C. Nelson Harris and Mayor Ralph K. Smith----6.

ABSENT: Council Member Linda F. Wyatt-----1.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

CITY CLERK-CITY COUNCIL: The Mayor advised that the purpose of the Organizational Meeting was for the newly elected Members of City Council to officially take their seats; whereupon, he referred to a report from the City Clerk advising of the qualification of M. Rupert Cutler, Alfred Dowe, Jr., and C. Nelson Harris as Members of the Roanoke City Council, for terms of four years, each, commencing July 1, 2002, and ending June 30, 2006.

Without objection by Council, the Mayor advised that the reports of qualification and the report of the City Clerk would be received and filed.

CITY COUNCIL: Mr. Carder offered the following resolution recognizing the Honorable C. Nelson Harris to be a Member of the City Council and Vice-Mayor of the City of Roanoke, for a term commencing July 1, 2002, and continuing for a period of two years and until his successor has been elected and qualified:

(#35956-070102) A RESOLUTION recognizing the HONORABLE C. NELSON HARRIS to be a member of the City Council and Vice-Mayor of the City of Roanoke.

(For full text of Resolution, see Resolution Book No. 66, page 238.)

Mr. Carder moved the adoption of Resolution No. 35956-070102. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris and Mayor Smith------6.

NAYS: None-----0.

(Council Member Wyatt was absent.)

CITY COUNCIL: Mr. Harris offered the following resolution recognizing the service of the Honorable William H. Carder as Vice-Mayor of the City of Roanoke from July 1, 2000 to June 30, 2002:

(#35957-070102) A RESOLUTION recognizing the services of the HONORABLE WILLIAM H. CARDER as Vice-Mayor of the City of Roanoke.

(For full text of Resolution, see Resolution Book No. 66, page 238.)

Mr. Harris moved the adoption of Resolution No. 35957-070102. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Harris and Mayor Smith-----5.

NAYS: None------0.

(Council Member Wyatt was absent.) (Council Member Carder abstained from voting.)

As outgoing Vice-Mayor, Mr. Carder expressed appreciation to Council Members, Council Appointed Offices and other City staff for their hard work and diligence to make the City of Roanoke a better place to live and work. He highlighted some of the accomplishments of the City of Roanoke over the past two years through established goals relating to a healthy economy, quality services, working together as a City, developing strong neighborhoods, a vibrant downtown and enhancing the environment.

Mr. Carder stated that Council set goals for the City Manager to accomplish and gave her the ability to do her job to make those things happen; i.e.: I-73 was an issue that was debated, and Council continued to advise the Virginia Department of Transportation that it did not want I-73 going through the southeast neighborhood; air service was an issue and an announcement was recently made regarding a Regional Alliance which is charged with the responsibility of bringing additional air service to the Roanoke Valley; tourism/marketing efforts with increased funding of \$276,000.00 appropriated unilaterally to fund and increase tourism/marketing in the Roanoke Valley; retention of the business base through monthly meetings with businesses over breakfast where businesses are encouraged to advise the City of their concerns and the City has reacted to many of those concerns; numerous announcements in terms of economic development; the City of Roanoke took the lead with the regional branding effort in terms of what the Roanoke Valley wants to project as its image; Victory Stadium was an issue and a decision was made that the sports and entertainment venue of the future will be an amphitheater that will be

located on Williamson Road which will be a tremendous economic boon for the Williamson Road area; civic center improvements have been authorized to bring the civic center into the 21st century, a contract has been signed with the NBDL and there will be more concerts and events; market rate housing will be addressed by a master planner looking at areas of the City for new market rate housing; the use of current technology leading to more efficient and faster delivery and management of City services; City services are bench marked through a citizen survey and as a result of the most recent survey, 90 per cent of Roanoke's citizens stated that they are happy with the services they receive from the City of Roanoke; implementation of the new zoning and planning process; approval of the Fire/EMS Business Plan; methods to improve fleet management; the City has worked with other localities toward regional communication; a committee of Council revamped the City's authorities, boards, commissions and committees; Council has acted in a bi-partisan manner with governing first and politics second, and the Council has acted in the best interests of the citizens of the City or Roanoke; Council has been inclusive of all voices in order to generate increased citizen input into various issues; Council's relationship with the School Board was excellent and a joint retreat was held last year; the City enjoys strong neighborhoods; adoption of the Vision 2001 Comprehensive Plan in which thousands of citizens took part in the process; the Bullitt/Jamison Avenue Pilot Project continues to move forward and Council took a bold step when it decided to consolidate Community Development Block Grant and HOME funds and focus on and address one neighborhood at a time, resulting in a comprehensive neighborhood revitalization project such as the City has never seen before which can be used as a blue print for neighborhood revitalization for the next 20 years as the City leaps from neighborhood to neighborhood; preserving Roanoke's history; support of village centers; revitalization of the Grandin Theatre partnership with the community through matching funds; developing neighborhood leadership, with a goal to revamp the Roanoke Neighborhood Partnership; efforts to make downtown Roanoke efforts more vibrant; completion of the update to the Outlook Roanoke Plan; improved residential living space in downtown Roanoke with 150 families living in the area; investment in public/private partnerships, such as the passenger rail station, the O. Winston Link Museum, IMAX Theater, e-town, warehouses, fiber optics, and outside dining; downtown housing has been made easier for builders to build downtown; facade grants; two way traffic on Salem Avenue; the "Big Lick" street cleaning machine which is a partnership between the City and Downtown Roanoke, Inc., to keep downtown streets clean; enhancing the environment; Roanoke River cleanup; the regional storm water management plan; the bulk trash removal program has led to cleaner City streets;

the recycling program has been broadened throughout the City; the graffiti ordinance was adopted by Council; the Urban Forestry Program was implemented; and regional discussion in connection with a regional water supply, storm water runoff, waste water and river maintenance and cleanup.

Mr. Carder advised that it has been an honor to serve as Vice-Mayor for the past two years and he looks forward to working with the Council over the next two years to continue to address the needs of the City of Roanoke.

CITY COUNCIL: Mr. Bestpitch offered the following resolution establishing a meeting schedule for City Council for the Fiscal Year commencing July 1, 2002, and terminating June 30, 2003:

(#35958-070102) A RESOLUTION establishing a meeting schedule for City Council for the Fiscal Year commencing July 1, 2002, and terminating June 30, 2003.

(For full text of Resolution, see Resolution Book No. 66, page 239.)

Mr. Bestpitch moved the adoption of Resolution No. 35958-070102. The motion was seconded by Mr. Carder and adopted by the following vote:

		Bestpitch,	•	•	•	
NATO	. 140116					0.

(Council Member Wyatt was absent.)

COMMITTEES-CITY COUNCIL: The Mayor presented a communication advising that by tradition, the Mayor has assigned Members of Council to the various committees of the City of Roanoke; on May 26, the Mayor's Office sent a letter of invitation to the Members of Council who would make up the Council as of July 1, 2002, asking that they indicate their committee preferences; all Members of Council responded; and virtually all requests were honored, with one exception.

The Mayor advised that he has been in the process of building relationships with General Assembly Members for a number of years and those relationships can serve as a benefit to the City of Roanoke and to the mutual satisfaction of all Members of Council; many of his friends in Richmond share his political philosophy;

and just as they reach many compromises in the legislature for the benefit of Virginia, he seeks to compromise with the Council realizing that they, too, do not all share the same political philosophies.

The Mayor advised that the one exception above referenced is a proposal that all Members of Council serve on the Legislative Committee, with the Mayor serving as Chair; and since he presently attends a majority of all Mill Mountain Advisory Committee meetings and Council Member Cutler will serve on the Mill Mountain Zoo Board, he requested that the Mayor serve as the Council's liaison to the Mill Mountain Advisory Committee.

Council Member Bestpitch presented a communication signed by the six Members of Council proposing the following list of committee assignments for Council Members:

Audit Committee - Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Ms. Wyatt (Chair) and Mayor Smith

Budget and Planning Committee - Council Members Bestpitch (Chair), Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith

Human Services Committee - No Council Members serve on the Committee

Personnel Committee - Council Members Bestpitch, Carder, Cutler, Dowe, Harris (Chair), Wyatt and Mayor Smith

Legislative Committee - Council Members Bestpitch, Carder (Chair), Cutler, Dowe, Harris, Wyatt and Mayor Smith

Roanoke Redevelopment and Housing Authority - Council Member Harris

Mill Mountain Advisory Committee - Council Member Cutler

Roanoke Valley-Allegheny Regional Commission - Council Members Bestpitch, Carder and Cutler

Total Action Against Poverty, Board of Directors - Council Member Bestpitch

War Memorial Committee - Council Members Bestpitch and Carder

Roanoke Valley Regional Cable Television Committee - Council Member Dowe

Roanoke Civic Center Commission - Council Member Wyatt

City of Roanoke Transportation Safety Commission, Board of Directors - Council Member Bestpitch

Roanoke Arts Commission - Council Member Cutler

Mill Mountain Zoo, Inc. - Council Member Cutler

Mayor's Committee for People with Disabilities - Council Member Wyatt

Virginia Museum of Transportation, Board of Directors - Council Member Wyatt

Virginia CARES Board of Directors - Council Member Wyatt

Roanoke Valley Convention and Visitors Bureau, Board of Directors - Council Member Carder

Roanoke Neighborhood Partnership Steering Committee - Council Member Bestpitch

Virginia's First Regional Industrial Facility Authority - Council Member Bestpitch and Elizabeth Neu

New River Valley Commerce Park Participation Committee - Council Member Bestpitch and Elizabeth Neu

Roanoke Valley Long-Range Water Supply Study Committee - Council Member Cutler

Roanoke Neighborhood Partnership Steering Committee Ad Hoc Study Committee - Council Members Bestpitch and Carder

Special Events Committee - Council Member Carder

Roanoke Valley Area Metropolitan Planning Organization - Council Member Bestpitch and Sherman Holland

Hotel Roanoke Conference Center Commission - Mayor Smith and William White, Sr.

Virginia Municipal League Policy Committees:

Environmental Quality - Council Member Cutler
Finance - Jesse A. Hall
General Laws - William M. Hackworth
Human Development and Education - Council Member Wyatt
Transportation - Council Member Carder

Virginia Municipal League Legislative Committee - Council Member Carder

Virginia Recreation Facilities Authority - Council Member Bestpitch

Revenue Practices Committee - Council Member Bestpitch.

Mr. Bestpitch moved that Council approve the above listed committee assignments, as contained in a letter dated June 20, 2002, and signed by the six Members of City Council. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Card	
Smith	O
NAYS: None	0
(Council Member Wyatt was absent.)	

The Mayor advised that it was not necessary for the Mayor to serve as Chair of the Legislative Committee; however, it would be a vehicle to ensure that all parties work together for the overall good of the City of Roanoke when dealing with issues surfacing at the State level.

There being no further business, the Mayor declared the Organizational Meeting adjourned at 2:40 p.m.

On Monday, July 1, 2002, immediately following adjournment of the Organizational Meeting, the regular meeting of Roanoke City Council reconvened at 2:45 p.m., in the Roanoke City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with the following Council Members in attendance, Mayor Smith presiding.

PRESENT: Council Members William D. Bestpitch, William H. Carder, M. Rupert Cutler, Alfred T. Dowe, Jr., C. Nelson Harris and Mayor Ralph K. Smith----6.

ABSENT: Council Member Linda F. Wyatt-----1.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The reconvened meeting was opened with a prayer by The Reverend J. David Fuller, Missions Pastor, Church of the Holy Spirit.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

PRESENTATIONS AND ACKNOWLEDGMENTS:

PROCLAMATIONS-PARKS AND RECREATION: The Mayor presented a Proclamation declaring the month of July as National Parks and Recreation Month.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately.

MINUTES: Minutes of the work session of City Council held on Monday, April 29, 2002, were before the body.

(For full text, see Minutes on file in the City Clerk's Office.)

Mr. Carder moved that the reading of the Minutes be dispensed with and that the Minutes be approved as recorded. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: and Mayor Sm			Bestpitch,				
NAYS: N	None						0.
(Council Mem	ber Wyatt	was absent	.)				
resignation as Mr. Lea advisi concerned the impact on the therefore, he June 30, 2002 occurs first, w	s a trustee ng that as at his deci work of the requested t, to Augus	of the Roar he reflected ision to res he School that his e it 15, 2002,	l on his origir ign at the er Board and th ffective date	nool Board nal letter of nd of Jund ne progres of resign	d, a comr of resigna e would ss of the nation be	nunication, he lestion, he lestion, he lestion, he lestion and les	on from pecame egative system; ed from
Mr. Care resignation be by the following	e accepted		mmunicatior on was secor				
AYES: and Mayor Sm			Bestpitch,				
NAYS:	lone						0.
(Council Mem	ber Wyatt	was absent	.)				
COMMI Sparrow tende Board, was be	ering his re	signation a	THORITY: A s a member o				
Mr. Care resignation be by the following	e accepted		mmunicatior on was secor				
AYES: and Mayor Sm			Bestpitch,				
NAYS: N	None						·0.
(Council Mem	ber Wyatt	was absent	·.)				

COMMITTEES-ROANOKE NEIGHBORHOOD PARTNERSHIP-PENSION: A communication from William E. Skeen tendering his resignation as a member of the Board of Trustees, City of Roanoke Pension Plan; and the Roanoke Neighborhood Partnership Steering Committee, was before Council.

Mr. Carder moved that the communication be received and filed and that the resignation be accepted. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYE	S:	Council	Members	Bestpitch,	Carder,	Cutler,	Dowe,	Harris
and Mayoı	Sn	nith						6.
NAY	S:1	None						0,
(Council N	em	ber Wyatt	was absent	t.)				

PURCHASE/SALE OF PROPERTY-CITY PROPERTY-HOUSING/AUTHORITY: The City Manager submitted a communication advising that property located at 1224 Rorer Avenue, S. W., and 719 Dale Avenue, S. E., was acquired by the City of Roanoke to establish a housing assistance program for City employees; and pursuant to requirements of the Code of Virginia, the City of Roanoke is required to hold a public hearing on the proposed conveyance of property rights to the Blue Ridge Housing Development Corporation, which will renovate the two properties using CDBG funds and oversee the housing assistance program, was before Council.

The City Manager requested that Council authorize a public hearing to be held on Monday, July 15, 2002.

Mr. Carder moved that Council concur in the request of the City Manager. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

	YES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris and Mayo
	IAYS: None0
(Counc	il Member Wyatt was absent.)

COMMITTEES-AUDIT COMMITTEE: Minutes of the meeting of the Audit Committee held on Monday, June 3, 2002, were before Council.

The following items were considered by the Audit Committee:

Internal Audit Reports:

Fleet Management - Parts Purchasing Cards Retirement

KPMG External Audit for year ending June 30, 2002
Status Report - Roanoke City Public Schools
Report of Peer Review on Municipal Auditing Department
Management Assistance Audit - Solid Waste Management
Request for 30 minute Audit Committee Meeting - June 17, 2002

Mr. Carder moved that the minutes be received and filed. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

and N				Bestpitch,	*	-	-	
and	•							
(Cou	ncil Mem	ber Wyatt	was absent	t.)				

OATHS OF OFFICE-COMMITTEES-PERSONNEL DEPARTMENT-LIBRARIES-PENSIONS-SCHOOLS-WAR MEMORIAL: The following reports of qualification were before Council:

William E. Skeen and Robert J. Sparrow as Trustees of the Roanoke City School Board, for terms of three years, each, commencing July 1, 2002, and ending June 30, 2005;

Roland H. Macher as a member of the Roanoke Public Library Board for a term ending June 30, 2005;

D. Duane Dixon as a member of the Board of Trustees, City of Roanoke Pension Plan, for a term ending June 30, 2004;

Alfred C. Moore as a member of the War Memorial Committee for a term ending June 30, 2003;

Brenda L. McDaniel as a member of the Roanoke Public Library Board for a term ending June 30, 2004; and

I. B. Heinemann as a member of the Personnel and Employment Practices Commission for a term ending June 30, 2005.

Mr. Carder moved that the reports of qualification be received and filed. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris and Mayor Smith------6.

NAYS: None-----0.

(Council Member Wyatt was absent.)

REGULAR AGENDA

PUBLIC HEARINGS:

CITY PROPERTY-INDUSTRIES: Pursuant to notice of advertisement for bids for lease and renovation of certain City-owned buildings located at 117 and 119 Norfolk Avenue, S. W., the matter was before Council.

The Mayor advised that bids were to be received in the City Clerk's Office until 1:30 p.m., on Monday, July 1, 2002, and to be held by the City Clerk, unopened, until the 2:00 p.m. session of Council, at which time the bid would be opened and read before the Council. He inquired if there were persons in attendance who had questions or objections to the opening of the bids. Hearing none, the Mayor instructed the City Clerk to proceed with the opening and reading of the bids.

The City Clerk reported that one bid had been received prior to the deadline from Warehouse Row, L. P.

Without objection by Council, the Mayor advised that the bid of Warehouse Row, L. P., would be referred to the City Manager for report to Council at the regular meeting on Monday, July 15, 2002.

Pursuant to notice of advertisement, the Mayor also advised that a public hearing was advertised in <u>The Roanoke Times</u> on Monday, June 17 and Monday, June 24, 2002, with regard to the lease and renovation of certain City-owned

buildings located at 117 and 119 Norfolk Avenue, S. W., for Monday, July 1, 2002, at 2:00 p.m., or as soon thereafter as the matter may be heard, the matter was before the body.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter, to which inquiry no person responded.

Without objection by Council, the Mayor advised that the public hearing would be continued until the regular meeting of Council on Monday, July 15, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard in the City Council Chamber.

PETITIONS AND COMMUNICATIONS:

TAXES-VIRGINIA TRANSPORTATION MUSEUM: A petition from the Virginia Museum of Transportation requesting exemption from taxation of 1.4 acres of land located adjacent to 303 Norfolk Avenue, S. W., in the City of Roanoke, pursuant to Section 30-19.04(B), Code of Virginia, (1950), as amended, was before Council.

Mr. Carder moved that the petition be referred to the City Manager for study, report and recommendation to Council. The motion was seconded by Mr. Dowe and adopted.

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS:

CITY EMPLOYEES: The City Manager introduced Jeffrey H. Powell, Director, General Services, who assumed his position on June 17, 2002.

ITEMS RECOMMENDED FOR ACTION:

SPECIAL PERMITS-LICENSES: The City Manager submitted a communication advising that Joan S. Edwards, property owner at 3745 Forest Road, S. W, has requested permission to retain, in place, a basketball goal, which encroaches into the public right-of-way; the property owner has also requested that Council designate a portion of Forest Road as an area where play is permitted in the right-of-way, pursuant to provisions of Sec. 46.2-932A, Code of Virginia, (1950), as amended; and the encroachment extends approximately three feet into the right-of-way of

Forest Road, which is approximately 12 feet in height; the right-of-way of Forest Road at this location is approximately 50 feet in width; and liability insurance and indemnification of the City by the property owner shall be provided by the property owner, and evidence of such coverage shall be approved by the City's Risk Manager.

The City Manager recommended that Council adopt an ordinance to be executed by the property owners, John S. and Catherine D. Edwards, and recorded in the Clerk's Office of the Circuit Court for the City of Roanoke granting a revocable license to the property owners at 3745 Forest Road, S. W., to allow a basketball goal that encroaches into the right-of-way of Forest Road, S. W., to remain; and designating a portion of Forest Road as a play area, restricted to usage during daylight hours, and defined by a minimum of four temporary traffic cones, said play area shall be described as an area beginning on a point at the location of the basketball goal, extending with a radius of 30 feet within the right-of-way of Forest Road, S. W., and terminating at the property line of Official Tax No. 1390514.

Mr. Bestpitch offered the following ordinance:

(#35959-070102) AN ORDINANCE granting a conditional permit to allow for the encroachment of a basketball goal approximately three feet into the public right-of-way in front of the property located at 3745 Forest Road, S. W., and bearing Official Tax No. 1390514; designating a play area pursuant to the provisions of §46.2-932.A, Code of Virginia, (1950), as amended, upon certain terms and conditions; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 66, page 241.)

Mr. Bestpitch moved the adoption of Ordinance No. 35959-070102. The motion was seconded by Mr. Dowe.

Council Member Cutler advised that this type of ordinance is potentially available to any citizen as long as they provide the necessary insurance and meet other specific provisions, and does not represent a special consideration for the individual involved.

Council Member Carder referred to the circumstances of another individual who installed a permanent basketball goal on a cul-de-sac on City property; whereupon, the City Manager advised that she would address the inquiry.

Ordinance No. 35959-070102 was adopted by the following vote:

		Bestpitch,	•	•	

	was ahsant				0.

(Council Member Wyatt was absent.)

SPECIAL PERMITS-LICENSES: The City Manager submitted a communication advising that James V. Revercomb, property owner at 2908 Carolina Avenue, S. W., has requested permission to maintain a retaining wall currently under construction along his driveway, which encroaches into the public right-of-way; the encroachment extends approximately 24 feet into the right-of-way of Carolina Avenue, and varies in height between 12" and 48"; and the right-of-way of Carolina Avenue is approximately 80 feet in width; there are several similar retaining walls on this side of Carolina Avenue; and liability insurance and indemnification of City of Roanoke by the property owner shall be provided by the property owner as specified, subject to approval by the City's Risk Manager.

The City Manager recommended that Council adopt an ordinance, to be executed by the property owners, James V. and Denise C. Revercomb, and recorded in the Clerk's Office of the Circuit Court for the City of Roanoke, granting a revocable license to property owners at 2908 Carolina Avenue, S. W., to allow a retaining wall that encroaches into the right-of-way of Carolina Avenue, S. W., to remain.

Mr. Bestpitch offered the following ordinance:

(#35960-070102) AN ORDINANCE granting a revocable license to permit an encroachment of a retaining wall approximately twenty-four feet into the public rightof-way in front of the property located at 2908 Carolina Avenue, S. W., and bearing Official Tax No. 1070502, upon certain terms and conditions; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 66, page 244.)

Mr. Bestpitch moved the adoption of Ordinance No. 35960-070102. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES	: Council	Members	Bestpitch,	Carder,	Cutler,	Dowe,	Harris
and Mayor S	Smith						6.
NAYS	: None						0,

(Council Member Wyatt was absent.)

PURCHASE/SALE OF PROPERTY-BUDGET-GREENWAY SYSTEM: The City Manager submitted a communication advising that the Lick Run Greenway is a part of the City-wide greenway system which was identified in the City's Comprehensive Plan, Roanoke Vision 2001, as a potential greenway corridor and is supported by the citizens of the City of Roanoke; each portion is being constructed as funds become available and two phases of construction have been completed; the final phase will extend the greenway from Court Street to The Hotel Roanoke; and design of the project is sufficiently complete to identify those property rights necessary for construction.

It was further advised that authorization is needed to move forward with procurement of title work, appraisals, and document preparation related to acquisition of the necessary property rights; and projected cost for acquisition of the necessary property rights is approximately \$100,000.00, which will be funded through two VDOT TEA-21 grants totaling \$875,000.00.

The City Manager recommended that she and the City Attorney be authorized to take all necessary steps to acquire all property rights, said property rights may be acquired by negotiation or eminent domain, and may include fee simple, permanent easements, permanent access easements, temporary construction easements, rights-of-way, licenses or permits, etc., subject to a satisfactory environmental site inspection; and that Council appropriate \$875,000.00 to the Lick Run Greenway Project, Account No. 008-530-9754, and establish a revenue estimate in the amount of \$875,000.00 for VDOT TEA-21 grant funds.

Mr. Bestpitch offered the following emergency budget ordinance:

(#35961-070102) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Capital Projects Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 66, page 245.)

Mr. Bestpitch moved the adoption of Ordinance No. 35961-070102. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris and Mayor Smith------6.

NAYS: None------0.

(Council Member Wyatt was absent.)

Mr. Dowe offered the following ordinance:

(#35962-070102) AN ORDINANCE providing for the acquisition of certain interests in property needed by the City for the final phase of the Lick Run Greenway Project; setting a certain limit on the acquisition costs of such property rights; providing for the City's acquisition of such property rights by condemnation, under certain circumstances; authorizing the City to make motion for the award of a right of entry on the property for the purpose of commencing the project; all upon certain terms and conditions; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 66, page 246.)

Mr. Dowe moved the adoption of Ordinance No. 35962-070102. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris and Mayor Smith------6.

NAYS: None-----0.

(Council Member Wyatt was absent.)

Council Member Cutler inquired if the ordinance addresses reimbursement to the Western Virginia Land Trust of \$6,000.00 which was used to purchase property on Syracuse Avenue to enable the Lick Run Greenway to go across open land; whereupon, the City Manager advised that she would investigate the inquiry and address the matter accordingly. TAXES-DOWNTOWN ROANOKE, INCORPORATED: The City Manager submitted a communication advising that on July 2, 2001, the City of Roanoke authorized the City Manager to execute a Downtown Service District Services Agreement between the City of Roanoke and Downtown Roanoke, Inc., for a period of five years; and paragraph 3.7, Disbursements to DRI, states the net revenue collected from the additional service district tax, less the City's annual direct costs, will be presented to DRI in return for providing promotional services within the downtown district.

It was further advised that the proposed amendment will eliminate the City's annual direct costs fee, which is currently \$2,000.00, allowing additional funds for promotion and development; such amendment will be effective for the 2001-2002 fiscal year and in the future; and Section 32-102.3 (a), Code of the City of Roanoke (1979), as amended, needs to be amended to eliminate the requirement that the, "Costs of collecting, accounting for and administering the tax provided for by this division shall be a charge against revenues derived from such tax."

The City Manager recommended that she be authorized to execute an amendment to the Downtown Service District Services Agreement between the City of Roanoke and DRI for a period ending June 30, 2006; such amendment to be approved as to form by the City Attorney; that the City Manager be authorized to take such further action as is necessary to implement and administer such amendment; and that Council amend Section 32-102.3(a), Code of the City of Roanoke (1979), as amended, by deleting the last sentence, which reads, "Costs of collecting, accounting for and administering the tax provided for by this division shall be a charge against revenues derived from such tax."

Mr. Carder offered the following ordinance:

(#35963-070102) AN ORDINANCE amending and reordaining subsection (a) of §32-102.3, <u>Purposes of tax</u>, of Division 6, <u>Downtown Service District</u>, of Article II, <u>Real Estate Taxes Generally</u>, of Chapter 32, <u>Taxation</u>, of the Code of the City of Roanoke (1979), as amended, to eliminate the requirement of charging the costs of collecting, accounting for and administering the tax against the revenues derived from such tax; and dispensing with the second reading of this ordinance, effective retroactively to July 1, 2001.

(For full text of Ordinance, see Ordinance Book No. 66, page 248.)

Mr. Carder moved the adoption of Ordinance No. 35963-070102. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES:	Council	Members	Bestpitch,	Carder,	Cutler,	Dowe,	Harris
and Mayor Sm	ith						6
NAYS:	None						0
(Council Mem	ber Wyatt	was absent	t.)				

Mr. Carder offered the following resolution:

(#35964-070102) A RESOLUTION authorizing the execution of an amendment to the Downtown Service District Services Agreement between the City of Roanoke, Virginia, and Downtown Roanoke, Inc. (DRI), that will provide for the elimination of the City's annual direct costs fee, which is currently \$2,000.00; and authorizing the City Manager to take such further action as is necessary to implement and administer the terms of such amendment.

(For full text of Resolution, see Resolution Book No. 66, page 249.)

Mr. Carder moved the adoption of Resolution No. 35964-070102. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris and Mayor Smith------6.

NAYS: None------0.

(Council Member Wyatt was absent.)

PERSONNEL DEPARTMENT-MUNICIPAL BUILDING-EQUIPMENT: The City Manager submitted a communication calling attention to a multi-phase project to replace copiers, desktop printers, and fax machines throughout the Municipal Building and certain remote locations with digital multi-functional devices, which devices will be capable of attaching to the City's network infrastructure for distributive printing directly from the Department of Technology's data center, print and fax from a desktop computer, and perform advanced functions for copying and scanning; and this solution provides the latest technology to City departments for increased functionality and efficiency of operations.

It was further advised that Phase one includes replacement of equipment in Municipal Building South, along with the Human Resources department; additional phases of the project to replace equipment in other departments will be implemented as funds become available; after proper advertisement, two bids were received on November 19, 2001, with the XEROX Corporation submitting the low bid to lease the equipment over a five year (60 month) period at \$10,024.00 per month, for a total of \$601,460.00; funding has been included in the fiscal year 2002-2003 budget for lease payment and initial network setup; and a justification study providing validation of cost savings was made in the departments proposed to receive the equipment.

The City Manager recommended that Council accept the bid of the XEROX Corporation, in the amount of \$601,460.00, with a contract date commencing on July 1, 2002 for 60 months; and that all other bids received by the City be rejected.

Mr. Carder offered the following resolution:

(#35965-070102) A RESOLUTION accepting the bid of Xerox Corporation and authorizing the City Manager to execute an agreement with Xerox Corporation for the lease of multi-functional printer/copiers to be placed throughout the municipal building, upon certain terms and conditions; and rejecting all other bids made for such items.

(For full text of Resolution, see Resolution Book No. 66, page 250.)

Mr. Carder moved the adoption of Resolution No. 35965-070102. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYE	S: Council	Members	Bestpitch,	Carder,	Cutler,	Dowe,	Harris	
and Mayor Smith								
NAV	S: None						<u>_</u>	

(Council Member Wyatt was absent.)

PARKING FACILITIES: The City Manager submitted a communication advising that the City currently contracts with Central Parking Systems of Virginia Inc. d/b/a Allright Roanoke Parking, Inc. (Allright) for management and operation services for six city owned and/or operated parking garages and four surface parking lots, under a five year contract which is effective until July 31, 2002; on April 9, 2002, A Request for Proposal was issued seeking qualified management firms to operate the facilities for the next three years, commencing on August 1, 2002, with up to one additional year at the option of the City; four responses were received, each proposal was carefully reviewed and each firm was granted an oral interview in the selection process.

It was further advised that in order to provide for the professional management of parking facilities, the firm of LANCOR Parking, L.L.C. was selected to be the most qualified to provide management and operational services; the proposed contract contains additional requirements of the management firm as compared to the current management contract, including an increased responsibility for preventative maintenance and general upkeep of each facility, development of an effective public relations and marketing plan, and increased emphasis on customer service and revenue enhancement; and a three year management contract has been negotiated with LANCOR Parking, L.L.C. with up to one additional year at the option of the City, at a management fee of \$584,029.00 for year one, \$584,225.00 for year two, \$601,752.00 for year three and \$52,792.00 per month for the option period; said fees are more costly than those fees being paid to the operator under the current contract and are reflective of the increased level of requirements and responsibilities being placed upon the new operator; and funding is available in operating accounts for City owned and/or operated facilities in the Parking Fund to pay for said fees.

The City Manager recommended that Council accept the proposal of LANCOR, L.L.C., to provide management and operating services for ten City owned and/or controlled parking facilities, and authorize the City Manager to enter into a contract with LANCOR Parking, L.L.C., for provision of management and operation services for said City owned and/or controlled parking facilities, for the fees set forth above; and that the City Manager be authorized to take such further action and to execute such further documents as may be necessary to implement and administer such contract. (Church Avenue Parking Garage, Century Station Parking Garage, Gainsboro Parking Garage, Market Square Parking Garage, Tower Parking Garage, Williamson Road Parking Garage, Gainsboro Surface Parking Lot, Salem Avenue (Warehouse Rowe) Parking Lot, Norfolk Avenue (Viaduct) Parking Lot, and Williamson Road Parking Lot)

Mr. Carder offered the following emergency ordinance:

(#35966-070102) AN ORDINANCE accepting the proposal of Lancor Parking, L. L. C., to provide management and operation services for certain City of Roanoke owned and/or controlled parking garages and surface parking lots for a term of three years with an option to renew for up to one additional year, upon certain terms and conditions; awarding a contract therefor, authorizing the proper City officials to execute the requisite contract; rejecting all other proposals made to the City; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 66, page 251)

Mr. Carder moved the adoption of Ordinance No. 35966-070102. The motion was seconded by Mr. Harris and adopted by the following vote:
AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris and Mayor Smith6.
NAYS: None0.
(Council Member Wyatt was absent.)
PUBLIC WORKS-EQUIPMENT-CMERP: The City Manager submitted a communication advising that the Capital Maintenance and Equipment Replacement Program (CMERP) has identified the need to purchase one hydraulic excavator to replace two older excavators, one being a rubber tired machine that has already been sold and the other a track machine that is approximately 30 years old; and the item will be purchased from proceeds of the 2002 Capital Lease Program.
The City Manager recommended that Council accept the bid of Mitchell Distributing Co., for one Komatsu PC150LC-6 hydraulic excavator, at a total cost of \$107,570.00, and reject all other bids received by the City.
Mr. Carder offered the following resolution:
(#35967-070102) A RESOLUTION accepting the bid of Mitchell Distributing Co., for the purchase of one new hydraulic excavator, upon certain terms and conditions; and rejecting all other bids made for such items.
(For full text of Resolution, see Resolution Book No. 66, page 252.)
Mr. Carder moved the adoption of Resolution No. 35967-070102. The motion was seconded by Mr. Dowe and adopted by the following vote:
AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris and Mayor Smith6.
NAYS: None0.

(Council Member Wyatt was absent.)

DIRECTOR OF FINANCE:

DIRECTOR OF FINANCE-AUDITS/FINANCIAL REPORTS-BUDGET: The Director of Finance submitted the Financial Report for the City of Roanoke for the month of May, 2002.

Council Member Carder inquired as to how the eight per cent in State cuts will be addressed; whereupon, the Director of Finance advised that the first seven per cent in reductions were incorporated into the State's adopted fiscal year 2003 budget; however, he did not have detailed information on how the cuts will be allocated. The City Manager advised that additional State reductions or impacts that have not yet been identified are anticipated, and the Director of Finance, City Manager and Director of Management and Budget will continue to monitor the situation closely and manage the City's resources, extraordinarily, until there is a clear indication of what will happen at the State level.

Without objection by Council, the Mayor advised that the financial report would be received and filed.

The City Manager advised that as a part of the water briefing at the 12:15 p.m., session of Council, she stated that a funding action item would be submitted to the Council at its 2:00 p.m., session, in order to provide for the lease or purchase of equipment to institute a temporary filtration treatment system for the Crystal Springs Filter Plant which will allow approximately three million gallons of Crystal Springs water on line on August 1, at a cost not to exceed \$350,000.00.

The City Manager explained that approximately two months ago, Council appropriated \$300,000.00 for the purchase of an ultra violet treatment option at the Crystal Springs Filter Plant which was not approved by the Environmental Protection Agency; however, the City has now received approval by the Health Department to use a temporary filtration option that will allow the temporary system to be in place by August 1, which is two months in advance of the estimated completion date of October 1 of the new filtration system at the Crystal Springs Filter Plant.

The City Manager was requested to elaborate on future plans with regard to the City's water situation; whereupon, she advised that at the 12:15 p.m., Council Work Session, current water systems, and the status of the water systems and improvements were discussed. She further advised that Carvins Cove Reservoir is just a little below 27 feet, below spillway, and daily demand on Carvins Cove is down

+ 1.44

from 15 million gallons per day to 10 million gallons per day, which is the result of recent rain fall and the purchase of water from the City of Salem and Roanoke County. She explained that it is expected that the Crystal Springs Filter Plant will be fully operational by October 1, which is six weeks ahead of schedule, the ultra violet treatment option was not approved by the Environmental Protection Agency, however, the City proposes to pursue a temporary filter option that will provide approximately three million gallons of water per day by August 1; Council has not as yet decided how it wishes to use the additional three million gallons of water per day, although one option is to reduce the amount of purchase that the City is currently making from Roanoke County, or to use the additional capacity to raise the level of Carvins Cove to ensure against some of the more difficult months to come, or to look at some mitigation of water restrictions, all of which are matters that Council will address later in the month. She stated that the Muse Spring well is expected to begin production on August 1 and another well will be on line on October 1 in conjunction with the Crystal Springs Filtration Plant, which means that by October 1, two million gallons of additional water will be available as a resource to the City. She called attention to two additional locations that were made available last week for citizens to obtain non-potable water, one off of Tenth Street and one in Wasena Park; an engineering firm has been retained for a regional long range water supply study and the report is expected to be completed in January, 2003. She advised that there is a need to concentrate on long term water solutions along with short term conditions that localities face as a result of the drought. She called attention to various options that are available to the City; i.e.: a regional authority in which both the City of Roanoke and Roanoke County are interested in participating; the issue of additional wells as a resource for water; and Council reviewed the cost of taking no action while waiting for opportunities and living through the drought which is facing not only the State of Virginia, but the entire East Coast. She advised that Council, following its discussion of the pros and cons of the various issues, authorized City staff to proceed with a memorandum of understanding with Roanoke County, with the goal of producing a water authority agreement and in the next four to twelve months, the services of a third party will be engaged to review rate making issues and evaluation of assets of the City and the County systems when moving to a water authority; and the Council also gave its support to continue to investigate and explore other resource development such as additional wells. She explained that it is estimated that the City will need an additional eight million gallons of water per day on a recurring basis in order to be drought proof which will be the goal in working toward creation of a regional authority. She stressed that if an authority were created tomorrow, it would not diminish the present drought conditions because it would take from \$10 - \$18 million in order for a pipeline to be built to connect the Spring Hollow and Carvins Cove Reservoirs in order to draw more water today than the City is currently drawing from Roanoke County. She assured Council and the citizens of Roanoke that City staff has been pursuing all options and advised that as a state and a locality, we do not have the advantage of using technology and some of the opportunities that other states, particularly the western states, have become familiar with over the years in terms of maximizing both the availability of non-potable water to address situations that are produced by a drought, and the opportunity for additional resources relative to potable water. She advised that it is hoped to better educate and inform the public, there is a need to create opportunities to have an integrated water system without total reliance on rain water and that wells and other activities be addressed to deal with the situation. She stated that as a community, as a valley and as a state, all persons need to become better conservators of water, both in times of plenty and in times of drought.

The City Manager called attention to a significant amount of regional cooperation in the Roanoke Valley's water systems, even without an authority, and prior to the City's purchase of water from Roanoke County, there was an exchange of 1.5 million gallons of water per day between the two jurisdictions in those instances where a decision was made that it was in the financial best interest of one jurisdiction or the other for the customers to be served by the other jurisdiction; therefore, situations exist today where County residents are being served by City water and City residents are being served by County water; and the Town of Vinton has an arrangement whereby the City sells water to an industry in the Town because of the quality of City water. She referred to meetings of the City Manager. the Mayor and City staff with their respective Roanoke County counter parts over the past year to discuss water issues. She advised that water issues can be emotional and it is necessary to make decisions based upon facts; there are costs associated with going to an authority and there will be significant increases in water rates charged to citizens as opposed to what they are currently paying, and the sentiment of the community appears to be that they are prepared to pay those rates in order to enjoy quality of life and to accommodate the activities that citizens have come to enjoy in the Roanoke Valley, and City staff is prepared to move as quickly as possible to make that happen on behalf of the citizens of Roanoke.

The City Manager explained that because of the interconnections that currently exist which are the limiting factor, as of today, five and one-half million gallons of water are flowing through those lines, and one and one-half million is the trading of water that was occurring long before the drought, therefore, the City is purchasing four million gallons of water which is the maximum. She explained that

if an authority were created tomorrow, it would not be possible to get more water immediately because significant investments are required in a number of options, one of which would be a direct connection of the two reservoirs by a pipeline, another might be to create a mid point at which there would be a pipeline and a treatment facility, and additional interconnections might be another option which will be explored. She advised that there will be a price to become a part of the authority which is the investment that the City of Roanoke would have made back in the early 1990's into the Spring Hollow Reservoir had it made the decision at that time to participate and certain infrastructure improvements will be necessary to access those waters. She stated that the City of Roanoke has the lowest water rate in the Roanoke Valley, as well as a low rate in comparison to the State, and an increase in rates will be necessary in order for the City to be drought proof.

The City Manager commended the Roanoke community for pulling together in these unusual situations and advised that that spirit of cooperation will see citizens through these difficult times.

Mr. Cutler offered the following ordinance:

(#35968-070102) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Water Fund Appropriations; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 66, page 253.)

Mr. Cutler moved the adoption of Ordinance No. 35968-070102. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES:	Council	Members	Bestpitch,	Carder,	Cutler,	Dowe,	Harris
and Mayor Smith						6.	

NAYS: None-----0.

(Council Member Wyatt was absent.)

Mr. Bestpitch offered the following ordinance:

(#35969-070102) AN ORDINANCE declaring the existence of an emergency in connection with obtaining certain design services, the lease and/or purchase of equipment, and construction work for a certain project to try to obtain additional

sources of water to try to increase the City's water supply to help with the City's water to help with the City's water supply emergency that was declared on February 4, 2002, Ordinance No. 35741-070102; providing that due to the need to expedite such projects, the normal procurement method of advertising, conducting competitive negotiations, and/or competitive sealed bidding be dispensed with to the extent reasonably necessary; authorizing the City Manager to take such further action or to execute such documents as may be necessary to implement and administer such projects; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 66, page 254.)

Mr. Bestpitch moved the adoption of Ordinance No. 35969-070102. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris and Mayor Smith------6.

NAYS: None-----0.

(Council Member Wyatt was absent.)

REPORTS OF COMMITTEES: None.

UNFINISHED BUSINESS:

BUDGET-CITY COUNCIL: The City Attorney submitted a report advising that at the request of Council Member Bestpitch, he has prepared a measure which would establish annual salaries for the Mayor, Vice-Mayor and Council Members for the fiscal year beginning July 1, 2004, which will provide that the Mayor would receive an annual salary of \$19,189.00, and the Vice-Mayor and Members of City Council would receive \$14,925.00.

He further advised that Council adopted an ordinance on November 19, 2001, effective July 1, 2002, establishing the salary of the Mayor at \$18,000.00 per year and the salaries of the Vice-Mayor and Members of Council at \$14,490.00 per year; Section 15.2-1414.6, Code of Virginia, (1950), as amended, permits Council to establish the annual salaries of Members of Council, but provides that any increase in such salaries must be adopted at least four months prior to the date of the next municipal election, and no increase can take effect until July 1st after such election;

and the next regularly scheduled general election of Council Members will be in May of 2004, thus any ordinance adopted by Council at this time increasing the salaries of Members of Council cannot take effect until July 1, 2004.

Mr. Bestpitch moved that the ordinance be referred to the Council's Budget and Planning Committee. The motion was seconded by Mr. Cutler and adopted.

Ms. Helen E. Davis, 35 Patton Avenue, N. E., advised that the timing for a pay increase for Council Members is wrong in view of recent budget cuts, the water crisis and many other critical issues facing the City of Roanoke. She further advised that she stands with Roanoke's school teachers who believe that teachers are always placed on the back burner when it comes to pay raises. She stated that a message is being sent that the City of Roanoke is insensitive, and Roanoke is a city that is in turmoil, both inside and outside of City Hall. She asked that Council Members respect each other and advised that where a Member of Council lives should not be an issue in determining a pay increase, each Member of Council has a right to their own personal opinion, and it does not reflect well on the City when Council Members criticize each other through the news media.

Ms. Anita Price, 3101 Willow Road, N. W., President, Roanoke Education Association, representing 700 members, advised that on behalf of the REA, she would like to go on record stating that educators do not begrudge equal compensation for the hard work that Council Members endure in conducting the affairs of the City and that Council Members should be compensated adequately. However, she stated that given the budgetary constraints dictated by the General Assembly that placed more restrictions on the decisions of Council, REA members would like to know that they could depend on a three per cent pay increase each year, but they are required to bow to the dictates that come from the General Assembly and City Council, therefore, educators receive what is left over. She stated that educators are patient people, but they deserve what is right and not what is left over. She called attention to the fact that salaries for Roanoke City School teachers are becoming less and less competitive, the City has lost ground in the last two years, and it is becoming increasingly difficult to attract and retain the brightest and best teachers, given the sacrifices and the current budgetary situation. She asked that Members of Council concur that voting upon a pay increase at this time will send the wrong message to the public and cause educators to wonder what truly is the highest priority of City Council.

Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., advised that when Roanoke City files for bankruptcy, a detailed study will show that City Council failed to be excellent stewards of taxpayers' money and their trust. She further advised that Council can be accused of allowing abusive and mis-use of taxpayers' money because it has not demanded an investigation of the mis-use of funds within the bowels of City Hall; Council has not kept campaign promises, pledges or statements to not seek a pay increase; Council has failed to properly represent citizens in the predominantly black neighborhoods with respect to Washington Park, screen doors for Lincoln Terrace residents, fire stations within the black neighborhoods, and police substations within those neighborhoods; and Council has failed to support Roanoke's teachers. She stated that these are items that should be considered during Council's Budget and Planning Committee meeting, because there are persons in the City of Roanoke who have lost their jobs due to no fault of their own and yet City Council is considering a pay increase. She asked that Council think about the overall big picture and not their individual situations.

Mr. Robert Gravely, 617 Hanover Avenue, N. W., advised that Council is charged with the responsibility of looking at the entire City of Roanoke, and one-half of the City is prospering, while the other half is failing. He referred to a pay scale for City workers that is not favorable for the average worker to earn a decent living. He advised that the black community has no businesses because they are considered last in receiving City funds and in receiving promotions in the workplace, and racism prevails in the City of Roanoke. He advised that the answer to the City's water problems is contained in the Holy Bible.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: None.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

CITY CLERK-CITY COUNCIL-INTERNET: Council Member Bestpitch requested that the City Clerk summarize the following information to be placed on the Internet; i.e.: Commencing July 1, 2002, five years of information will be available to citizens and City departments with regard to City Council action agendas, reports,

communications, ordinances and resolutions, along with the Clerk's correspondence as a result of Council actions; information will be updated with each Council meeting; and, as time permits, information prior to July, 1997 will be posted on the Internet for review and research purposes.

PARKS AND RECREATION: Council Member Bestpitch referred to the annual giving campaign for the Mill Mountain Zoo, and encouraged Council Members to make their individual contributions. He also encouraged attendance at the Mill Mountain Zoo's major fund raising event, "Zoo Do 2002", which will be held on Friday, July 26, 2002, from 6:30 p.m. until 10:30 p.m.

BUDGET-TAXES-CITY COUNCIL: Council Member Bestpitch responded to recent public remarks of the Mayor with regard to the proposed salary increase for Members of Council. He stated that he wished the Mayor would demonstrate the same level of concern on the revenue side of the budget as he seems to have regarding the expenditure side, and noted while six Members of Council drive a vehicle for which they purchase a City decal and pay 30 per cent of the vehicle tax and the City of Roanoke receives 70 per cent reimbursement for the vehicle tax from the Commonwealth of Virginia, the Mayor chooses to excuse himself from the need to purchase a decal, or to pay the 30 per cent vehicle tax. Therefore, he questioned the message that the Mayor may be sending to the citizens of Roanoke.

The Mayor responded that Mr. Bestpitch was referring to the dealers' license tag on his personal vehicle. He stated that in the State of Virginia, one must obtain an automobile dealers' license in order to sell automobiles or trailers, he is a trailer dealer, and having paid for an automobile dealers' license, he is permitted to display a dealers' tag on his personal vehicle. He explained that a number of other vehicles within his company display City decals, along with a State license, all of which substantially contribute to the City's coffers. He advised that he pays 100 per cent in taxes and receives zero rebate from the State.

SPECIAL EVENTS: The Mayor encouraged citizens to attend July 3 and July 4 activities in the City of Roanoke, i.e.:

Old Fashioned Cruising Night on Williamson Road (July 3 at 7:00 p.m.)

Kiwanis Club River Clean Up at 9:00 a.m. (Participants will meet at the

Wasena Park Picnic Pavilion)

Farmers' Market Car Show - 10:00 a.m. - 2:00 p.m.

Old Fashioned Neighborhood Parade on Williamson Road - 2:00 p.m. (Parade starts as Civic Mall)

Music for Americans at Victory Stadium - 7:00 p.m.

Council Member Dowe wished all citizens of the Roanoke Valley a happy Independence Day. He stated that this is a day that Americans fought for and a day that affords all citizens the opportunity to enjoy the freedom that comes from being an American.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for response, report and recommendation to Council.

COMPLAINTS-TELEPHONE COMPANIES: Mr. Hume Powers, 2641 Nottingham Road, S. E., expressed concern with regard to telephone service. He referred to a specific instance in which it took approximately 30 minutes to place a long distance telephone call from Roanoke to Richmond, and after listening to over 30 recordings from the telephone company before his call was completed. He asked that City Council inquire as to why the telephone monopoly cannot perform in a more satisfactory manner.

Later during the meeting, the Mayor announced that his office had received a telephone call from Senator George Allen's Office in which it was reported that any citizen with a concern regarding telephone issues should contact the Senator's Office to obtain the name of the appropriate State agency.

BUDGET-COMPLAINTS-HOUSING/AUTHORITY-CITY EMPLOYEES-WATER RESOURCES: Mr. Robert Gravely, 617 Hanover Avenue, N. W., expressed concern with regard to the water shortage, the high cost of housing in the City of Roanoke, and low wages for City employees.

CITY MANAGER COMMENTS:

BUDGET-PARKS AND RECREATION: Council Member Cutler requested that the City Manager report on the status of improvements to Booker T. Washington Park; whereupon, the City Manager advised that approximately 12-18 months ago, the City, in conjunction with residents of the Washington Park area, appointed a committee to develop plans for improvements to Washington Park. She stated that her commitment to the neighborhood was that if a plan could be developed that is supported by the neighborhood and City staff, she would submit the plan to Council with a recommendation that it receive the highest priority for park improvements. She advised that the plan has been addressed for at least 12-18 months, an element of which calls for an appropriate memorial to Booker T. Washington; the committee recommended that the memorial be designed by a representative of the minority community, however, there are procurement complications under the Virginia Procurement Code, therefore, progress has been delayed on that particular aspect, although the City continues to be willing to make funds available to assist in the procurement of a design if certain issues are resolved. She called attention to portions of the Booker T. Washington Park that were previously used as a landfill site, and an engineer has been engaged to evaluate proposed plans for the neighborhood, versus landfill conditions, and to address potential reuse of some of the park areas before a public meeting is held. She stated that the Director of the Department of Parks and Recreation has met with the Washington Park Committee and made certain commitments in terms of time lines; and improvements are not funded at this time, however, it is her commitment to bring the matter forward with a recommendation that it be funded out of the first set of monies that have been placed in the capital improvements plan for park improvements. She stated that improvements which were included in the first phase of the parks and recreation master plan are ongoing, although there have been some delays inasmuch as a decision was made to design all rest room facilities for all of the parks according to one design.

ACTS OF ACKNOWLEDGEMENT-CITY COUNCIL-CITY GOVERNMENT: The City Manager advised that she appreciated the summary remarks of Council Member Carder at the Council's Organizational Meeting earlier in the day in which he referenced many good and lasting decisions and improvements that have taken place in the Roanoke community over the past two years. She stated that Roanokers have much to be proud of and much to celebrate on July 4th.

PARKS AND RECREATION-SPECIAL EVENTS: The City Manager advised that the 50th Anniversary of the Mill Mountain Zoo will be celebrated on July 4th at a ceremony to be held at 10:00 a.m., on Mill Mountain. She stated that there are a wealth of opportunities in the City of Roanoke for citizens to participate in special events and Roanoke is a community that offers many opportunities for its residents.

BUDGET-CITY EMPLOYEES: In regard to earlier remarks of Mr. Robert Gravely, the City Manager advised that in 2002, Council authorized a maximum rate of pay for City employees at \$8.00 per hour, therefore, no City employee earns less than \$8.00 per hour. She stated that pay ranges have been extended in the City's Pay and Classification Plan in order to provide maximum opportunities.

At 4:50 p.m., the Mayor declared the meeting in recess to be reconvened in Closed Session in the Council's Conference Room.

At 5:05 p.m., the meeting reconvened in the Council Chamber, with Mayor Smith presiding, and all Members of the Council attendance, with the exception of Council Member Wyatt.

COUNCIL: With respect to the Closed Meeting just concluded, Mr. Carder moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Harris and adopted by the following vote:

				Bestpitch,	•	•	•	
anu wi	ayor Siin	1111						
	NAYS: N	lone						0
(Coun	cil Memi	ber Wyatt	was absent	: .)				

COMMITTEES-COMMUNITY PLANNING: The Mayor advised that there is a vacancy on the City Planning Commission, created by the resignation of Alfred T. Dowe, Jr., and called for nominations to fill the vacancy.

Mr. Bestpitch placed in nomination the name of Fredrick Williams.

There being no further nominations, Mr. Williams was appointed as a member of the City Planning Commission, to fill the unexpired term of Alfred T. Dowe, Jr., resigned, ending December 31, 2004, by the following vote:

FOR MR. WILLIAMS: Council Members Bestpitch, Carder, Cutler, Dowe, Harris and Mayor Smith------6.

(Council Member Wyatt was absent.)

COMMITTEES-CONVENTION AND VISITORS BUREAU: The Mayor advised that the one-year term of office of Sunny Shah as a City representative to the Roanoke Valley Convention and Visitors Bureau, Board of Directors, expired on June 30, 2002, and called for nominations to fill the vacancy.

Mr. Bestpitch placed in nomination the name of Sunny Shah.

There being no further nominations, Mr. Shah was reappointed as a City representative to the Roanoke Valley Convention and Visitors Bureau. Board of Directors, for a term ending June 30, 2003, by the following vote:

FOR MR. SHAH: Council Members Bestpitch. Carder, Cutler, Dowe, Harris and Mayor Smith------6.

(Council Member Wyatt was absent.)

HUMAN DEVELOPMENT-COMMITTEES: The Mayor advised that the terms of office of Frank W. Feather and Pamela Kestner-Chappelear as members of the Human Services Committee expired on June 30, 2002, and called for nominations to fill the vacancies.

Mr. Bestpitch place in nomination the names of Frank W. Feather and Pamela Kestner-Chappelear.

There being no further nominations, Mr. Feather and Ms. Chappelear were reappointed as members of the Human Services Committee, for terms ending June 30, 2003, by the following vote:

FOR MR. FEATHER AND MS. CHAPPELEAR: Council Members Bestpitch, Carder, Cutler, Dowe, Harris and Mayor Smith------6.

(Council Member Wyatt was absent.)

COMMITTEES-FLOOD REDUCTION/CONTROL: The Mayor advised that the term of office of Bill Tanger as a member of the Flood Plain Committee, expired on June 30, 2002, and called for nominations to fill the vacancy.

Mr. Bestpitch placed in nomination the name of Bill Tanger.

There being no further nominations, Mr. Tanger was reappointed as a member of the Flood Plain Committee, for a term ending June 30, 2003, by the following vote:

FOR MR. TANGER: Council Members Bestpitch, Carder, Cutler, Dowe, Harris and Mayor Smith------6.

(Council Member Wyatt was absent.)

Mr. Bestpitch moved that the City residency requirement be waived in this instance. The motion was seconded by Mr. Carder and adopted.

COMMITTEES-WAR MEMORIAL: The Mayor advised that the terms of office of Robert O. Gray, Harold H. Worrell, Sr., and Sloan H. Hoopes as members of the War Memorial Committee, expired on June 30, 2002, and called for nominations to fill the vacancies.

Mr. Bestpitch placed in nomination the names of Robert O. Gray, Harold H. Worrell, Sr., and Sloan H. Hoopes.

There being no further nominations, Messrs. Gray, Worrell and Hoopes were reappointed as members of the War Memorial Committee, for terms ending June 30, 2003, by the following vote:

FOR MESSRS. GRAY, WORREL, HOOPES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris and Mayor Smith-----6.

(Council Member Wyatt was absent.)

PARKS AND RECREATION-COMMITTEES: The Mayor advised that the terms of office of E. C. Pace, III, Carl H. Kopitzke and William R. Dandridge as members of the Mill Mountain Advisory Committee expired on June 20, 2002, and called for nominations to fill the vacancies.

Mr. Bestpitch placed in nomination the names of Messrs. Pace, Kopitzke and Dandridge.

There being no further nominations, Messrs. Pace, Kopitzke and Dandridge were reappointed as members of the Mill Mountain Advisory Committee, for terms ending June 30, 2003, by the following vote:

FOR MESSRS. PACE, KOPITZKE AND DANDRIDGE: Council Members Bestpitch, Carder, Cutler, Dowe, Harris and Mayor Smith------6.

(Council Member Wyatt was absent.)

COMMITTEES-ROANOKE ARTS COMMISSION: The Mayor advised that the term of office of Susan W. Jennings as a member of the Roanoke Arts Commission expired on June 30, 2002, and called for nominations to fill the vacancy.

Mr. Bestpitch placed in nomination the name of Susan W. Jennings.

There being no further nominations, Susan W. Jennings was reappointed as a member of the Roanoke Arts Commission, for a term ending June 30, 2005, by the following vote:

FOR MS. JENNINGS: Council Members Bestpitch, Carder, Cutler, Dowe, Harris and Mayor Smith------6.

(Council Member Wyatt was absent.)

COMMITTEES-YOUTH: The Mayor advised that the term of office of Jamaal Jackson as a member of the Youth Services Citizens Board expired on May 31, 2002, and called for nominations to fill the vacancy.

Mr. Bestpitch placed in nomination the name of Jamaal Jackson.

There being no further nominations, Mr. Jackson was reappointed as a member of the Youth Services Citizens Board, for a term ending May 31, 2005, by the following vote:

FOR MR. JACKSON: Council Members Bestpitch, Carder, Cutler, Dowe, Harr and Mayor Smith	is 6.
(Council Member Wyatt was absent.)	
There being no further business, the Mayor declared the meeting adjourne at 5:05 p.m.	∍d
APPROVED	
ATTEST:	
Mary F. Parker Ralph K. Smith City Clerk Mayor	

) 1111

MINUTES OF ROANOKE CITY AUDIT COMMITTEE

August 5, 2002

1. CALL TO ORDER:

The meeting of the Roanoke City Audit Committee was called to order at 11:00 a.m. on Monday, August 5, 2002, with Chair, Linda F. Wyatt, presiding.

The roll was called by Mrs. Powers

Audit Committee

Members Present: Linda F. Wyatt, Chair

Mayor Ralph K. Smith William H. Carder Dr. M. Rubert Cutler Alfred T. Dowe, Jr.

Others Present: Drew Harmon, Municipal Auditor

Darlene L. Burcham, City Manager Jesse A. Hall, Director of Finance

Rolanda Johnson, Asst. City Manager for Community Development

Evelyn W. Powers, Administrative Assistant

2. INTERNAL AUDIT REPORTS:

A. Parks & Recreation Part-Time Payroll

Mrs. Wyatt ordered that the financial related audit be received and filed. There were no objections to the order. Mrs. Wyatt recognized Mr. Harmon for comments.

Mr. Harmon briefed the Committee on the Parks and Recreation Part-Time Payroll audit report. Mr. Harmon reported that this area has been an area with long standing audit concerns and that the employees have worked hard to strengthen the controls and make the process more manageable and reliable. The City Manager, Darlene Burcham, and the Audit Committee Chair, Linda Wyatt both agreed to send a letter of appreciation to the department of Parks and Recreation commending them on their improvements. There were no further comments or questions.

3. UNFINISHED BUSINESS:

There was no unfinished business to come before the Committee.

4. NEW BUSINESS:

- A. Engagement Letter Roanoke City Public Schools
- B. School Board May 14, 2002 Audit Committee Minutes
- C. Roanoke City Council Audit Committee Annual Report June 30, 2002
- D. Municipal Auditing Annual Report June 30, 2002
- E. Municipal Auditing Annual Audit Plan June 30, 2003

Mrs. Wyatt asked the Committee for a motion and a second regarding the School Board Engagement Letter. The motion was made by Mr. Carder and seconded by Dr. Cutler to concur with the School Board's approval of the Engagement Letter. The motion was approved unanimously.

Mrs. Wyatt informed the Audit Committee that the School Board minutes were for informational purposes only and that no action was needed from the Committee. There were no comments or questions.

Mrs. Wyatt informed the Audit Committee that the Audit Committee's Annual Report and the Municipal Auditing department's Annual Report would be placed on the Consent Agenda at the August 19, 2002 City Council Meeting. There were no comments or questions.

Mrs. Wyatt ordered that the Municipal Auditing Annual Audit Plan for fiscal year ending June 30, 2003, be received and filed. There were no objections to the order.

Mr. Carder thanked Drew and his staff for a smooth and seamless transition during the retirement of Mr. Bird. Mr. Carder said that he and others on the Audit Committee liked the idea of the "show-up audits", and the proactive approach to auditing. He said that the auditing department was doing an outstanding job.

5. OTHER BUSINESS:

- A. Discussion on format to receive Audit Committee package CD/paper
- B. Discussion on format to receive information from Auditor fax/e-mail

Mrs. Wyatt asked the Audit Committee how they would like to receive their Audit Committee packages. She said that we could continue to send a paper package, or the information on a CD like they receive their regular Council package. The Committee agreed to have the Audit Committee information sent to them on a CD.

Mrs. Wyatt asked the Audit Committee how they would like to receive information from the Auditor. The members of the Audit Committee reported the following:

- Mr. Carder e-mail
- Mrs. Wyatt fax
- Dr. Cutler e-mail
- Mr. Dowe either e-mail or fax
- Mayor Smith fax at home

Mrs. Wyatt reported for Mr. Bestpitch and Mr. Harris as follows:

- Mr. Harris fax at home
- Mr. Bestpitch e-mail

6. ADJOURNMENT:

Linda F. Wyatt

There being no further business, the meeting was adjourned at 11:35 a.m.

Linda F. Wyatt, Chair



Municipal Auditing 215 W. Church Avenue, Room 502 Roanoke, VA 24011-1517 (540) 853-2644 FAX (540) 853-6395

e-mail: auditor@ci.roanoke.va.us

August 5, 2002

Honorable Mayor and City Council Roanoke, Virginia

SUBJECT: Roanoke City Council Audit Committee Annual Report - June 30, 2002

Dear Members of City Council:

The purpose and function of the Audit Committee as stated in the City Code at Chapter 2-298(b) is:

"The audit committee shall act in an advisory capacity to the council, the municipal auditor, the director of finance and the city manager in matters relating to the city's financial records and to that end shall have the right to have immediate access to all records and reports relating to financial matters and transactions of the city or of matters and things affecting such financial records. The council, any member thereof, the municipal auditor, the director of finance and the city manager shall have the right to consult with and seek the advice of the audit committee on matters relating to the city's financial records, but neither the committee nor any member shall have authority to act for or to bind the city council, unless expressly authorized so to do by ordinance or resolution of the council."

During the year ended June 30, 2002, the committee held five regular meetings. Each member's attendance was:

Meetings Attended	Meetings Absent
3	2
3	2
4	1
5	0
5	0
4	1
	3 3 4 5

Roanoke City Council Audit Committee Annual Report August 5, 2002 Page 2

The following is a summary of the committee's activity during the year:

- Reviewed and concurred with the annual plan presented by KPMG, the City's external auditors.
- Reviewed and concurred with the Municipal Auditor's annual audit plan.
- Reviewed the independent accountant's report with representatives from KPMG and City officials.
- Reviewed the internal audit reports with the Municipal Auditor and City officials.
- Reviewed and concurred with the School Board on an Engagement Letter and an annual plan for the Municipal Auditor to perform internal audits for Roanoke City Public Schools.
- Reviewed an external quality control review prepared by the Virginia Local Government Auditors Association peer review team.
- Furnished a copy of the minutes of each committee meeting to City Council and City officials.

I ask that this report be made a part of the Council's consent agenda for August 19, 2002. If you have questions, please do not hesitate to contact me.

Best personal regards to each of you.

Sincerely,

William White, Sr.

Chairman, Audit Committee

(1) Dian White Su



Municipal Auditing 215 W. Church Avenue, Room 502 Roanoke, VA 24011-1517 (540) 853-2644 FAX (540) 853-6395

e-mail: auditor@ci.roanoke.va.us

August 5, 2002

Annual Report of the Municipal Auditor June 30, 2002

Honorable Mayor and City Council:

The goal of Municipal Auditing is to provide City Council and City administration with analyses, appraisals, recommendations, counsel, and information concerning financial related activities of the City. The office performs its audit work in accordance with generally accepted government auditing standards promulgated by the Comptroller General of the United States.

In accordance with section 25.2 of the code of the City of Roanoke, I present the following summary of the activities of the Municipal Auditing department for the fiscal year ending June 30, 2002.

Financial Audits – In support of maintaining the City's excellent financial reporting credibility and ensuring compliance with statutory audit requirements, we:

- Coordinated the annual independent audit of the financial statements for the City of Roanoke, the City Pension Plan, Roanoke City Public Schools, and the Greater Roanoke Transit Company;
- Assisted the Virginia Auditor of Public Accounts in the annual audit of the Clerk of the Circuit Court:
- Performed the annual financial audit of the Sheriff's Jail Inmate and Canteen Funds.

Financial Related Audits – To provide reasonable assurance to the City Council, City Administration, and the Citizens of Roanoke that the City Organization's internal control systems are functioning effectively to prevent inaccuracies, irregularities, or willful manipulations, we completed the following audits:

- Police Department Cash Funds
- Meter Replacement
- Audit Findings Follow-Up
- Purchasing Cards
- Retirement
- Parks & Recreation Part-time Payroll

Performance Audits – To provide reasonable assurance that internal controls are functioning effectively in relationship to: (1) acquiring, protecting, and using its resources (such as personnel, property, and space) economically and efficiently, (2) achieving the desired

Annual Report of the Municipal Auditor August 5, 2002 Page 2

program results and benefits, and (3) complying with significant laws and regulations applicable to a program we performed the following performance audits:

- Fire EMS Fuel Management
- Information Center
- Facilities Management Custodial Services
- Fleet Management
- Fire EMS Fire Marshal
- Solid Waste Management Tipping Fees
- Critical Data Applications
- City Leases
- Planning and Zoning

Unscheduled Audits – We initiated unscheduled audit work during the year based on requests from management, results of other planned assignments, and information provided by concerned citizens. These assignments involved some combination of data analysis, testing, controls evaluation, and reviews of compliance with laws and regulations. We performed the following unscheduled audits:

- Parking Garages Allright Parking
- Police Department D.A.R.E. Account
- Payroll Compensatory Time
- Fleet Management Parts
- City Market Building
- Business Continuity Planning
- Central Warehouse
- Purchasing Contracts
- Personal Property Assessments
- Solid Waste Management Cost Accounting
- Economic Development SJC Agreement
- Records Management

School Board - We provided the equivalent of one full time internal auditor to the Roanoke City Public School System. This work was done according to the plan presented to the School Board Audit Committee November 14, 2001. The results of each audit were reported in writing to the School Board Audit Committee in a public meeting.

- Student Activity Funds
- Student Information Systems
- Payroll Time and Attendance
- Transportation (To be reported in September 2002)

Office Administration – We performed a number of administrative tasks to ensure the department complied with government auditing standards and to promote continuous improvements in performance. One of our major goals was to complete a comprehensive revision of our policies and procedures manual, including our methodology and standard work papers. We completed this revision in time for our regularly scheduled peer review. Another

Annual Report of the Municipal Auditor August 5, 2002 Page 3

of our major goals was to prepare for the peer review in the hopes of obtaining an opinion of being fully compliant with government auditing standards. We received a fully compliant opinion in June of this year, making Roanoke one of a handful of local auditing departments nationally that have successfully undergone four peer reviews. Other initiatives we completed were:

- Development of department performance measures
- Development of department website
- Development of ACL applications (data mining)
- Revision and expansion of our office database for time reporting, findings follow-up, and work paper inventory

Staff development is a critical component to our success as a department. Designations earned by the staff in the past year include one Certified Public Accountant, one Certified Government Auditing Professional, and one Certified Administrative Professional. Two other staff members took the May CPA exam but will not know the results until later in August. Another staff member is taking course work towards an Associates degree in Information Technology (20 hours completed) and has taken the exam to become a Certified Information System's Auditor. The results of her exam are also due later in August. Another staff member is taking course work towards a Masters in Business Administration (9 hours completed).

We were unable to complete all of the assignments in our audit plan for fiscal year 2002 due to the significant amount of unscheduled audit work we performed. The Utility Lines Services audit is currently in progress and is the only audit assignment remaining unreported. We had hoped to develop a long-term plan for information technology audits and now expect that to be completed in the 2003 plan. We had also wanted to develop workshops to educate employees about the purpose and importance of internal controls, that too will be moved into the 2003 plan.

In conclusion, I want to thank each of you on Council for the unwavering support you've given our department throughout the year. It is my hope that this report has provided each of you with a comfortable level of confidence that the Auditing department is doing the job you expect of it and that we are doing it well. We look forward to working with each of you again in the coming year.

Respectfully,

Drew Harmon, CPA, CIA

Du Ha

Municipal Auditor

CITY OF ROANOKEOFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

August 19, 2002

The Honorable Mayor and Members of City Council Roanoke, Virginia

Dear Mayor and Members of Council:

I would like to sponsor a request from Donald S. Caldwell, Commonwealth's Attorney in which he is requesting ten minutes to do a presentation of the Cost Collection Department's results at the regular meeting of City Council on Monday, August 19, 2002.

Sincerely,

Darlene L. Burcham

City Manager

DLB:sm

c: City Attorney

Director of Finance

City Clerk

COMMONWEALTH OF VIRGINIA

DONALD S. CALDWELL COMMONWEALTH'S ATTORNEY

AREA CODE 540 Tel. No. 853-2626 Fax 853-1201

CITY OF ROANOKE

OFFICE OF THE COMMONWEALTH'S ATTORNEY 315 CHURCH AVENUE ROANOKE, VIRGINIA 24016

August 19, 2002

Honorable Mayor and Members of Roanoke City Council Roanoke, Virginia

Subject: Cost Collections Unit

Dear Mayor Smith and Members of City Council:

Please reserve approximately ten minutes at the August 19, 2002 Council Meeting, for the Commonwealth's Attorney to do a short presentation of the Cost Collection Department's results for the 2001-2002 Fiscal Year.

t- 160

Thank you for your assistance with this request.

Sincerely,

Donald S. Caldwell Commonwealth's Attorney

DSC/rpm



Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

August 19, 2002

Honorable Ralph K. Smith, Mayor Honorable C. Nelson Harris, Vice Mayor Honorable W. D. "Bill" Bestpitch, Council Member Honorable William H. Carder, Vice Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject:

Acceptance of the Roanoke City

Victim Program Grant

I concur with the recommendation from Donald S. Caldwell, Commonwealth's Attorney, for the City of Roanoke, with respect to the subject reference above and recommend that City Council accept the funding for the Roanoke City Victim Program Grant.

Sincerely,

Darlene L. Burcham

City Manager

COMMONWEALTH OF VIRGINIA

DONALD S. CALDWELL COMMONWEALTH'S ATTORNEY

AREA CODE 540 Tel. No. 853-2626 FAX 853-1201

CITY OF ROANOKE

OFFICE OF THE COMMONWEALTH'S ATTORNEY

315 CHURCH AVENUE

ROANOKE, VIRGINIA 24016

Roanoke City Council Regular Agenda Report

August 19, 2002

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable William H. Carder, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Acceptance of the Roanoke City Victim Program Grant

Background:

The Victim/Witness Assistance Program has been awarded a twelve month \$102,338 grant (#03-I8554VW02) for July 2002 through June 2003. The grant from the Department of Criminal Justice Services (DCJS) will allow the Victim/Witness Assistance Program to continue to provide comprehensive information and direct services to crime victims and witnesses in accordance with the Virginia Crime Victim and Witness Rights Act.

The Victim/Witness Program continues to operate with a full-time coordinator for the Circuit Court, as well as one full time assistant for the Juvenile and Domestic Relations Court and one full-time assistant for the General District Court. A summary of FY 98-99, 99-00, 00-01 and 01-02 contacts documents the services of the program (see Attachment A).

The Victim/Witness Program is coordinated by the Office of the Commonwealth's Attorney.

Considerations:

The cost to the City for Grant #03-I8554VW02 would be \$25,671 as a local cash match for a total grant budget of \$128,009. The local cash match is equal that of FY 2001-2002. It is included in the General Fund FY 2002-2003 adopted budget in the Transfer to Grant Fund Account.

Recommendations:

City Council accept the Victim/Witness Grant #03-I8554VW02 for \$102,338 with the City of Roanoke providing \$25,671 as a local cash match from the monies provided in the Transfer to Grant Fund Account in the FY 02-03 budget for a total grant of \$128,009.

Authorize the City Manager to sign and execute all appropriate documents to obtain Grant #03-I8554VW02. Budget funding in the amount of \$128,009 in revenue accounts to be established in the Grant Fund by the Director of Finance. Appropriate funding in the amount of \$128,009 to the expenditure accounts listed in Attachment B.

Respectfully submitted

Donald S. Caldwell
Commonwealth's Attorney

DSC:jls

pc:

Darlene L. Burcham, City Manager William M. Hackworth, City Attorney Jesse A. Hall, Director of Finance Mary F. Parker, City Clerk Director of Community Development Victim Witness Coordinator

ATTACHMENT A Victim Witness Assistance Program Service Summary

	Service	FY 98-99	FY 99-00	FY 00-01	FY 01-02
1.	Total Victims Contacted	1059	990	580	991
2.	Total Witnesses Contacted	120	141	164	237
3.	Case Disposition, Case Status & Advance Notice of Proceedings	3,990	3,586	1,903	3,454
4.	Intercession with Schools or Employers	17	11	9	18
5.	Crisis Intervention	149	118	37	41
6.	Referral to Criminal Injuries Compensation Fund	388	315	245	315
7.	Restitution Payment Assistance	1,373	1,233	996	1,538
8.	Explanation of Steps in Criminal Justice System and Criminal Justice Process Options	1,389	1,465	802	1,336
9.	Courtroom Tours or Explanations	502	495	202	322
10.	Criminal Justice Process Support	693	659	360	489
11.	Notification Services & Explanation Regarding Prisoner Custody Status	88	136	56	94
12.	Protection Services & Explanations	622	388	268	277
13.	Appeal/Habeas Corpus Services	6	14	13	20
14.	Educational Brochures Given	2,495	2,530	1,364	2,592
15.	Amount of Restitution Collected	\$91,661	\$92,754	\$76,347	\$101,210
16.	Amount of Compensation Awarded to Victims from the Criminal Injuries Compensation Fund	\$52,903	\$23,507	\$72,217	\$106,432

Statistics listed on this page reflect some of the services being counted by the Victim Witness Program as required by the Department of Criminal Justice Services.

ATTACHMENT B PROGRAM BUDGET

1002	Regular Employee Salaries	\$9	2,614
1105	City Retirement	\$	3,824
1115	ICMA Retirement	\$	2,946
1116	ICMA Match	\$	1,950
1120	FICA	\$	7,460
1125	Medical Insurance	\$	9,068
1126	Dental Insurance	\$	636
1130	Life Insurance	\$	0
1131	Disability Insurance	\$	259
2020	Telephone	\$	240
2030	Administrative Supplies	\$	1,289
2042	Dues and Memberships	\$	275
2044	Training and Development	\$	4,368
2075	Printing	\$	200
2160	Postage	\$	2,400
7007	CIS - Personal Computer Rental/Maintenance	\$	240
7015	Management Services	\$	240
	TOTAL	\$12	28,009



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2002-2003 Grant Fund Appropriations, be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations

Judicial Administration Victim Witness Grant FY03 (1-16)			1,078,900 128,009
Revenues			
Judicial Administration Victim Witness Grant FY03 (17-1)	8)		1,078,900 128,009
1) Regular Employee Salaries	(035-150-5126-1002)	\$ 92,614	
2) City Retirement	(035-150-5126-1005)	3,824	
3) ICMA Retirement	(035-150-5126-1115)	2,946	
4) ICMA Match	(035-150-5126-1116)	1,950	
5) FICA	(035-150-5126-1120)	7,460	
6) Medical Insurance	(035-150-5126-1125)	9,068	
7) Dental Insurance	(035-150-5126-1126)	636	
8) Disability Insurance	(035-150-5126-1131)	259	
9) Telephone	(035-150-5126-2020)	240	
10) Administrative Supplies	(035-150-5126-2030)	1,289	
11) Dues and Memberships	(035-150-5126-2042)	275	
12) Training and Development	(035-150-5126-2044)	4,368	
13) Printing	(035-150-5126-2075)	200	
14) Postage	(035-150-5126-2160)	2,400	
15) CIS - Personal Computer			
Rental/Maintenance	(035-150-5126-7007)	240	
16) Management Services	(035-150-5126-7015)		
17) State Grant Receipts	(035-150-5126-5126)	· ·	
18) Local Match	(035-150-5126-5127)	25,671	

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

. .

(11)

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION authorizing the acceptance of Grant No. 03-I8554VW02 made to the City of Roanoke by the Commonwealth of Virginia Department of Criminal Justice Services for a Victim/Witness Assistance Program and authorizing the execution and filing by the City Manager of the conditions of the grant and other grant documents.

BE IT RESOLVED by the Council of the City of Roanoke as follows:

- 1. The City of Roanoke hereby accepts the offer made by the Commonwealth of Virginia Department of Criminal Justice Services of Grant No.03-I8554VW02 in the amount of \$102,338 for Fiscal Year 2002-03 for a Victim/Witness Assistance Program.
 - 2. The local cash match for Fiscal Year 2002-03 shall be in the amount of \$25,671.
- 3. The City Manager is hereby authorized to accept, execute and file on behalf of the City any documents setting forth the conditions of Grant No. 03-I8554VW02.
- 4. The City Manager is further directed to furnish such additional information as may be required by the Department of Criminal Justice Services in connection with the acceptance of the foregoing grant or with such project.

ATTEST:

City Clerk.

NOTICE:

Report will be faxed Friday, August 16, 2002.



CITY OF ROANOKEOFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

August 19, 2002

Honorable Ralph K. Smith, Mayor, and Members of City Council Roanoke, Virginia

Dear Mayor Smith and Members of Council:

Subject:

Drug Prosecutor CO02-0005

This is to request space on Council's regular agenda for a report on the above referenced subject.

Respectfully submitted,

Darlene L. Burcham

City Manager

DLB:sm

c:

City Attorney

City Clerk

Director of Finance



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 General and Grant Funds Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2002-2003 General and Grant Funds Appropriations, be, and the same are hereby, amended and reordained to read as follows, in part:

General Fund

Appropriations

Nondepartmental Transfer to Other Funds (1) Contingency (2)			\$ 69,600,968 68,618,407 490,619
Grant Fund			
Appropriations			
Judicial Administration Regional Drug Prosecutor FY03 (3-18)		\$ 1,019,023 113,556
Revenues			
Judicial Administration Regional Drug Prosecutor FY03 (19-20)		\$ 1,019,023 113,556
1) Transfer to Grant Fund 2) Contingency 3) Regular Employee Salaries 4) City Retirement 5) ICMA Match 6) FICA 7) Medical Insurance 8) Dental Insurance 9) Life Insurance 10) Disability Insurance	(001-250-9310-9535) (001-300-9410-2199) (035-150-5135-1002) (035-150-5135-1105) (035-150-5135-1116) (035-150-5135-1120) (035-150-5135-1126) (035-150-5135-1130) (035-150-5135-1131) (035-150-5135-2020)	\$ 9,381 (9,381) 74,300 4,725 1,300 5,783 5,496 404 728 208 2,000	

12) Telephone - Cellular	(035-150-5135-2021)	\$ 300
13) Administrative Supplies	(035-150-5135-2030)	8,512
14) Publications and Subscriptions	(035-150-5135-2040)	200
15) Dues and Memberships	(035-150-5135-2042)	400
16) Printing	(035-150-5135-2075)	300
17) Postage	(035-150-5135-2160)	500
18) Other Rental	(035-150-5135-3075)	8,400
19) State Grant Receipts	(035-150-5135-5107)	91,615
20) Local Match	(035-150-5135-5108)	21,941

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

他

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION authorizing the acceptance of funding for the regional drug prosecutor's office from the Compensation Board of the Commonwealth of Virginia and authorizing the acceptance, execution and filing of appropriate documents to obtain such funds.

BE IT RESOLVED by the Council of the City of Roanoke as follows:

- 1. The City of Roanoke hereby accepts the funding for the regional drug prosecutor's office in the total amount of \$91,615 from the Compensation Board of the Commonwealth of Virginia for the period of July 1, 2002, through June 30, 2003.
- 2. The City Manager is hereby authorized to accept, execute and file on behalf of the City of Roanoke any and all documents required to obtain such funding.
- 3. The local cash match for Fiscal Year 2002-2003 shall be in the amount of \$21,941.
- 4. The City Manager is further directed to furnish such additional information as may be required in connection with the acceptance of the foregoing funding or with such project.

ATTEST:

City Clerk.

NOTICE:

Report will be faxed Friday, August 16, 2002.



CITY OF ROANOKEOFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

August 19, 2002

Honorable Ralph K. Smith, Mayor, and Members of City Council Roanoke, Virginia

Dear Mayor Smith and Members of Council:

Subject:

Asset Forfeiture CO02-00004

This is to request space on Council's regular agenda for a report on the above referenced subject.

Respectfully submitted,

Darlene L. Burcham

City Manager

DLB:sm

c:

City Attorney

City Clerk

Director of Finance



THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2002-2003 Grant Fund Appropriations, be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations

Judicial Administration Forfeited Criminal Assets (1-5)		\$ 973,371 161,632
Revenues			
Judicial Administration Forfeited Criminal Assets (6-7)		\$ 973,371 161,632
 Telephone-Cellular Administrative Supplies Expendable Equipment 	(035-150-5140-2021) (035-150-5140-2030)	\$ 5,000 4,980	
<\$5,000 4) Training and Development 5) DOT-Personal Computer	(035-150-5140-2035) (035-150-5140-2044)	4,000 2,000	
Rental/Maintenance 6) Federal Forfeiture Subsidy 7) Federal Asset Forfeiture -	(035-150-5140-7007) (035-150-5140-7107)	6,500 21,922	
Interest	(035-150-5140-7275)	558	

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



CITY OF ROANOKEOFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

August 19, 2002

The Honorable Mayor and Members of City Council Roanoke, Virginia

Dear Mayor and Members of Council:

I would like to sponsor a request from F. B. Webster Day, bond Counsel for Botetourt County IDA in which he is requesting approval of the issuance of bonds regarding the Regional Animal Pound Facility at the regular meeting of City Council on Monday, August 19, 2002.

Sincerely,

Darlene L. Burcham

City Manager

DLB:sm

c: City Attorney

Director of Finance

City Clerk

WETHERINGTON, MELCHIONNA, TERRY, DAY & AMMAR

F. B. WEBSTER DAY EMAIL: WDAY@WMTDA.COM

ATTORNEYS AND COUNSELORS

August 13, 2002

The Honorable Council of the City of Roanoke, Virginia c/o Mary F. Parker, City Clerk
Noel C. Taylor Municipal Building
Room 456
215 Church Avenue, S. W.
Roanoke, Virginia 24011-1536

Re: Regional Animal Pound Facility

Dear Mayor Smith and Members of City Council:

As bond counsel to the Industrial Development Authority of Botetourt County, Virginia, I enclose the following information for your consideration:

- 1. Report of Public Hearing, with exhibits attached; and
- 2. Draft of the Resolution to be considered by City Council at its meeting on August 19, 2002.

By way of background, The Roanoke Valley Society for the Prevention of Cruelty to Animals, Inc. and Animal Care Services, Inc. have applied to the IDA for issuance of up to \$3,600,000 of its revenue bonds to assist in financing the acquisition, construction and equipping of the Regional Pound Facility, which will be located within the City of Roanoke.

At its meeting on November 19, 2001, City Council concurred with the IDA's inducement resolution on this project. For Internal Revenue Code purposes, City Council must again approve the issuance of the bonds following the public hearing that was held by the IDA on August 9, 2002. Thank you for your consideration of this request.

Sincerely,

F. B. Webster Day

Enclosures

\\WETHERINGTON\VOL1\WP\DAY\154516Mayor&Council.doc/snc

1100 BB&T BANK BUILDING PO BOX 90 ROANOKE VIRGINIA 24002 PHONE 540-982-3800 FAX 540-342-4480 WWW.WMTDA.COM

REPORT OF PUBLIC HEARING

To: Board of Supervisors of Botetourt County, Virginia Council of the City of Roanoke, Virginia

The Industrial Development Authority of Botetourt County, Virginia (the "Authority") held a public hearing at 2:00 P.M. on August 9, 2002, on the application of the Regional Pound Facility of Roanoke Valley Society for the Prevention of Cruelty to Animals, Inc. and Animal Care Services, Inc. (the "Companies"), requesting the Authority to issue up to \$3,600,000 of its revenue bonds to assist the Companies in financing the acquisition, construction and equipping of a regional animal pound facility.

Notice of the hearing was published in the Roanoke Times and World News on July 18 and 25, 2002. A copy of the notice is attached as Exhibit A.

During the public hearing an opportunity was given to interested persons to present their views in connection with the proposed issuance of the bonds or the location and nature of the project. The public comments, if any, received at the meeting are summarized in the attached Exhibit B.

After the hearing, the Authority adopted a resolution recommending the approval of the bonds by you. A copy of that resolution is attached as Exhibit C.

A fiscal impact statement regarding the Project, which is based solely on information furnished by the Companies, is attached as Exhibit D.

Dated: August 9, 2002.

Industrial Development Authority of Botetourt County, Virginia

By: A 7 Kg
Chairman

Exhibits:

A-Notice of Hearing

B-Public Comments

C-Resolution

D-Fiscal Impact Statement

The Roanoke Times Roanoke, Virginia Affidavit of Publication

EXHIBIT A ————

The Roanoke Times

CAROL A. DOUDIKEN
PO BOX 90
WETHERINGTON, MELCHI
ROANOKE VA 24002

REFERENCE: 80050943

01946232

IDA/BOTETOURT

State of Virginia City of Roanoke

I, (the undersigned) an authorized representative of the Times-World Corporation, which corporation is publisher of the Roanoke Times, a daily newspaper published in Roanoke, in the State of Virginia, do certify that the annexed notice was published in said newspapers on the following dates:

City/County of Roanoke, Commonwealth/State of Virginia. Sworn and subscribed before me this day of August, 2002. Witness my hand and official seal.

My commission expires July 31, 2004.

PUBLISHED ON: 07/18 07/25

TOTAL COST: 409.64 FILED ON: 08/01/02

Signature:

Authorized

NOTICE OF PUBLIC HEARING
ON PROPOSED INDUSTRIAL
DEVELOPMENT REVENUE
BOND FINANCING BY THE
INDUSTRIAL DEVELOPMENT
AUTHORITY
OF BOTETOURT COUNTY,
VIRGINIA

Notice is hereby given that the industrial Development Authority of Botetourt County, Virginia (the "Authority"), will hold a

public hearing on the request of Roanoke Valley Society for the Prevention of Crueity to Animals, inc. ("RVSPCA") and Animals Inc. ("RVSPCA") and Animal Care Services, Inc. ("ACS"), both Virginia non-stock corporations with a principal place of business at 1313 Eastern Avenue, NE, Roanoke, Virginia 24012, to issue up to 13,600,000 of its industrial development revenue bonds. The general purpose of the bonds is to finance the acquisition, construction and equipment of a regional animal pound facility (the "Project"), approximately 19,000 square feet in size. The owner of the Project will be ACS. The Project will be ACS. The Project will be ACS. The Project will be located at 1510 Baldwin Avenue, SE, In the City of Roanoke, Virginia.

The issuance of industrial development revenue bonds as requested by RVSPCA and ACS shall not be deemed to constitute a debt or pledge of the faith and credit of the Commonwealth of Virginia or any county, town or city thereof. Neither the Commonwealth of Virginia nor any political subdivision thereof shall be obligated to pay the bonds or the interest thereon or other costs incident thereto except from the revenues and monles pledged therefor, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia nor any political subdivision thereof is pledged to the payment of principal of such bonds or the interest thereon or other costs incident thereto.

The public hearing, which may be continued or adjourned, will be held at 2:00 p.m., or as soon thereafter as the matter can be heard, on August 9, 2002, before the Authority in the Second Floor Conference Room of the Circuit Courthouse, 1 W. Main Street, Fincastle, Virginia.

Any person interested in the issuance of the bonds or the location or nature of the proposed project may appear at the hearing and present his or her views.

Industrial Development
Authority of Botetourt
County, Virginia
Box 1, One West Main Street
Fincastle, Virginia 24090
(1946/32)

__, Billing Services Representative

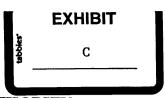
1.661

EXHIBIT B

Summary of the Comments Expressed at the Hearing

No comments were made at the public hearing.

G:\WP\DAY\154516Report-PublicHearing.doc/snc



RESOLUTION OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF BOTETOURT COUNTY, VIRGINIA RECOMMENDING PUBLIC APPROVAL OF BONDS

WHEREAS, the Industrial Development Authority of Botetourt County, Virginia (the "Authority") has held a public hearing on the request of Roanoke Valley Society for the Prevention of Cruelty to Animals, Inc. and Animal Care Services, Inc., non-stock, non-profit Virginia corporations (the "Companies"), that the Authority issue its Revenue Bonds in an amount not to exceed \$3,600,000 (the "Bonds"), to assist in the financing of a regional animal pound facility (the "Project"); and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended, requires approval of the issuance of the Bonds by the Board of Supervisors of Botetourt County, Virginia, and the Council of the City of Roanoke, Virginia.

BE IT RESOLVED BY THE INDUSTRIAL DEVELOPMENT AUTHORITY OF BOTETOURT COUNTY, VIRGINIA:

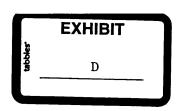
- 1. The Authority approves the issuance of the Bonds, the proceeds of which will finance the Project for the benefit of the Companies, and recommends that the Board of Supervisors of Botetourt County, Virginia, and the Council of the City of Roanoke, Virginia, approve the issuance of the Bonds.
- 2. The Chairman and Secretary of the Authority are authorized and directed to forward to the Board of Supervisors and the Council a reasonably detailed summary of the comments, if any, made at the public hearing, a fiscal impact statement relating to the Project and a copy of this resolution.
- 3. The Authority's approval and recommendation do not constitute an endorsement of the Bonds, the financial viability of the Project or the creditworthiness of the Companies.
 - 4. This Resolution will take effect immediately upon its adoption.

Adopted on August 9, 2002

Secretary, Industrial Development

Authority of Botetourt County, Virginia

G:\WP\DAY\154516RecommendingResolution.doc/snc



Fiscal Impact Statement

INDUSTRIAL DEVELOPMENT AUTHORITY OF BOTETOURT COUNTY, VIRGINIA

August 9, 2002

Regional Animal Pound Facility

of

Roanoke Valley Society for the Prevention of Cruelty to Animals, Inc.

and

Animal Care Services, Inc.

1.	Maximum amount of financing sought	\$ 3,600,000
2.	Estimated taxable value of the facility's real property to be constructed in the locality.	\$ 133,900
3.	Estimated real property tax per year using present tax rates	N/A
4.	Estimated personal property tax per year using present tax rates	N/A
5.	Estimated merchants' capital tax per year using present tax rates	N/A
6.	 Estimated dollar value per year of goods that will be purchased from Virginia companies within the locality 	\$ 22,400
	b. Estimated dollar value per year of goods that will be purchased from non-Virginia companies within the locality	\$ 17,100
	c. Estimated dollar value per year of services that will be purchased from Virginia companies within the locality	\$ 57,400
	d. Estimated dollar value per year of services that will be purchased from non-Virginia companies within the locality	\$ 59,500
7.	Estimated number of regular employees on year round basis (excluding salaried employees)	14

8. Average annual salary per employee (excluding salaried employees)

\$ 18,289

INDUSTRIAL DEVELOPMENT AUTHORITY OF BOTETOURT COUNTY, VIRGINIA

Chairma

G:\WP\DAY\154516FiscalImpactStatement.doc/snc

(ND)

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION approving the issuance of bonds by the Industrial Development Authority of Botetourt County, Virginia, for the benefit of Roanoke Valley Society for the Prevention of Cruelty to Animals, Inc. and Animal Care Services, Inc.

WHEREAS, the Industrial Development Authority of Botetourt County, Virginia (the "Authority"), has considered the request of Roanoke Valley Society for the Prevention of Cruelty to Animals, Inc. and Animal Care Services, Inc., non-stock, non-profit Virginia corporations (the "Companies"), for the issuance of the Authority's Revenue Bonds in an amount not to exceed \$3,600,000 (the "Bonds") to assist in the financing of a regional animal pound facility, approximately 19,000 square feet in size (the "Project"); and

WHEREAS, the owner of the Project will be the Roanoke Valley Society for the Prevention of Cruelty to Animals, Inc. and the operator of the Project will be Animal Care Services, Inc.; and

WHEREAS, the Project will be located at 1510 Baldwin Avenue, SE, in the City of Roanoke, Virginia (the "City"); and

WHEREAS, on August 19, 2002, the Authority held a public hearing on the proposed issuance of the Bonds; and

WHEREAS, the Authority has requested the City Council of the City of Roanoke, Virginia (the "Council") to approve the issuance of the Bonds to comply with Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), which provides that the governmental units having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of the private activity bonds is located must approve the issuance of the bonds; and

WHEREAS, the Authority issues its bonds on behalf of the County, the Project is to be located in the City, and the Council constitutes the highest governmental unit of the City; and

WHEREAS, a copy of the Authority's resolution approving the issuance of the Bonds, a summary of the comments made at the public hearing, if any, and a fiscal impact statement relating to the Project have been filed with the Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROANOKE, VIRGINIA, AS FOLLOWS:

1. The issuance of the Bonds by the Authority for the benefit of the Companies is hereby approved, to the extent required by Section 147(f) of the Code, to permit the Authority to assist in the financing of the Project.

2. The approval of the issuance of the Bonds, as contained in this Resolution, does not constitute an endorsement of the Bonds, the financial viability of the Project or the creditworthiness of the Companies. Further, as required by Section 15.2-4909 of the Code of Virginia of 1950, as amended, the Bonds shall provide that neither the Commonwealth of Virginia, nor any political subdivision thereof, nor the Authority shall be obligated to pay the principal of, premium, if any, the interest thereon, or other costs incident thereto except from the revenues and monies pledged therefor and any applicable security, and neither the faith, credit, nor the taxing power of the Commonwealth or any political subdivision thereof shall be pledged thereto.

3. This Resolution shall take effect immediately upon its adoption.

ATTEST:

City Clerk.

* * * * * * *

The undersigned Clerk of the City Council of the City of Roanoke, Virginia, hereby certifies that the foregoing constitutes a true and correct copy of a resolution adopted at a meeting of the Council held on August 19, 2002. I further certify that such a meeting was a regularly scheduled meeting, that, during the consideration of the foregoing resolution, a quorum was present, and that the minutes of such meeting show how each member voted on the foregoing resolution.

WITNESS my hand and the s	eal of the City Council of the City of Roanoke,
Virginia, this day of	, 2002.
	Clerk, City Council of the City of Roanoke, Virginia
(CDAI)	Troumone, Triginia

(SEAL)

CITY OF ROANOKEOFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

August 19, 2002

Honorable Ralph K. Smith, Mayor, and Members of City Council Roanoke, Virginia

Dear Mayor Smith and Members of Council:

Subject: PC Navigators Presentation

This is to request space on Council's regular agenda for a 15-minute briefing on the above referenced subject.

Respectfully submitted,

Darlene L. Burcham

City Manager

DLB:sm

c: City Attorney

Director of Finance

City Clerk



CITY OF ROANOKE OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

August 19, 2002

Honorable Ralph K. Smith, Mayor Honorable C. Nelson Harris, Vice Mayor Honorable William D. Bestpitch, Council Member Honorable William H. Carder, Council Member Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Co

Contract Award for Project Administration/Inspection Services and Limited Project Management Services for Roanoke Civic Center Expansion and Renovation, Phase I and Phase II Proposal No. 02-04-09

City staff recommends the use of a firm that specializes in providing project administration/inspection/management services (services) to monitor, inspect, and administer on a daily basis the on-going construction project for Phase I, and future Phase II, of the Roanoke Civic Center Expansion and Renovation Project. The construction contract for Phase I is with Martin Brothers, Inc., in the amount of \$2,349,600.00. Rosser International, Inc. is the architect and engineer on the Project. Rosser is also the architect and engineer for the Phase II Project, but no construction contract has been issued since Phase II is only in the design phase. City staff recommends that the use of a firm to provide the above project services, and possibly some value engineering and/or constructability review that may be necessary due to the complicated nature of the Project.

Following public advertisement, the City received proposals from seven firms. A selection committee composed of Philip Schirmer, City Engineer, Larry Minnix, Construction Technical Supervisor, and Charles Anderson, Architect II, short-listed and interviewed four firms, McDonough Bolyard Peck, KCI Technologies, Inc., Turner Construction Company and URS Corporation. Following the interviews, the firm of KCI Technologies, Inc., 10 North Park Drive, Hunt Valley, Maryland 21030, was deemed the best qualified to provide the above services required for the project.

City staff has negotiated an acceptable agreement with KCI Technologies, Inc., to provide the above services for Phase I (now under construction) in the amount not to exceed \$130,900.00. The agreement also provides that KCI will provide such services for Phase II of the Project when that is ready to be bid and during construction and possibly during the design phase. The cost of providing services for Phase II is in an amount not to exceed \$395,000.00, but since funding is currently limited, KCI has agreed it will only perform services on Phase II as specifically requested by the City and only as funds become available for such services.

Funding for Phase I services under the agreement is available in Civic Center Expansion/Renovation Phase I, account number 005-550-8615. Funding for Phase II services will be provided at a later date.

Honorable Mayor and Members of Council August 19, 2002 Page 2

Recommended Action:

Authorize the City Manager to execute a contract for the above consultant services with KCI Technologies, Inc., in an amount not to exceed \$130,900.00, for such services for Phase I and an amount not to exceed \$395,000.00, for such services for Phase II, provided that services for Phase II are specifically subject to the availability and appropriation by Council of funds for such services.

Respectfully submitted,

Darlene L. Burcham City Manager

DLB:CMA:na

C:

Mary F. Parker, City Clerk William M. Hackworth, City Attorney Jesse A. Hall, Director of Finance Jeffrey H. Powell, Director of General Services James M. Evans, Director of Civic Facilities Christine P. Powell, Manager, Civic Facilities Philip C. Schirmer, City Engineer

#CM02-00191

6.a.2.

D.T.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing a contract with KCI Technologies, Inc., to provide project

administration/inspection/management services to monitor, inspect and administer on a daily

basis the on-going construction project for Phase I, and future Phase II, of the Roanoke Civic

Center Expansion and Renovation Project, and which may also include some value engineering

and/or constructability review services.

BE IT RESOLVED by the Council of the City of Roanoke that:

1. The City Manager and the City Clerk are hereby authorized to execute and attest,

respectively, a contract with KCI Technologies, Inc., to provide project administration/

inspection/management services to monitor, inspect and administer on a daily basis the on-going

construction project for Phase I, and future Phase II, of the Roanoke Civic Center Expansion and

Renovation Project, and which may also include some value engineering and/or constructability

review services, as described in the City Manager's letter to this Council dated August 19, 2002.

2. The cost of the contract will be an amount not to exceed \$130,900.00 for such

services for Phase I of the project and an amount not to exceed \$395,000.00 for such services for

Phase II of the Project, provided that the Consultant's services for Phase II are specifically

subject to the availability and appropriation by Council of funds for such services.

3. The form of the contract shall be approved by the City Attorney, all as more

particularly set forth in the City Manager's letter to this Council dated August 19, 2002.

ATTEST:

City Clerk.



CITY OF ROANOKE OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

August 19, 2002

Honorable Ralph K. Smith, Mayor Honorable C. Nelson Harris, Vice Mayor Honorable William D. Bestpitch, Council Member Honorable William H. Carder, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Contract Award, Airport Road Storm

Drain Extension Bid No. 02-07-09

This project represents the second and final phase of storm drain improvements near the intersections of Airport Road and Municipal Road, as well as Airport Road and Towne Square Boulevard. This project was broken into two phases to allow construction to start on the portions within City right-of-way (Phase 1), while property acquisition was completed for this second phase.

The proposed storm drain project supports the continuing economic development of this area. The proposed storm drain is part of the capital improvement project known as Innotech Expansion, which will provide a regional storm water management facility for undeveloped properties, as well as improved drainage for an area with chronic flooding problems.

After proper advertisement, four (4) bids were received on Tuesday, August 6, 2002, with Aaron J. Conner, General Contractor, Inc., 221 Kessler Mill Road, Salem, Virginia 24153, submitting the low bid in the amount of \$186,860. (See attached bid tabulation.) The construction time was specified as 120 consecutive calendar days.

Funding in the amount of \$215,000 is needed for the project. The additional funds that exceed the contract amount will be used for miscellaneous project expenses including advertising, prints, test services, minor variations in bid quantities, utility adjustment by Appalachian Power Company d/b/a American Electric Power, Cox Communications, and unforeseen project expenses. Funding in the amount of \$215,000 is available from Capital Projects Fund interest earnings.

Honorable Mayor and Members of Council August 19, 2002 Page 2

Recommended Action:

Accept the above bid and authorize the City Manager to execute a contract for the above work with Aaron J. Conner, General Contractor, Inc., in the amount of \$186,860, with 120 consecutive calendar days of contract time, and reject all other bids. Appropriate \$215,000 from Capital Projects Fund balance available from Interest Earnings to an account to be established entitled "Airport Road Storm Drain Extension".

Respectfully submitted,

Suchan

Darlene L. Burcham City Manager

DLB/JGR/na

Attachment

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Philip C. Schirmer, City Engineer
Robert H. Bird, Acting Purchasing Manager

#CM02-00190

TABULATION OF BIDS

AIRPORT ROAD STORM DRAIN EXTENSION

BID NO. 02-07-09

Bids were opened by Robert H. Bird, Acting Purchasing Manager, on Tuesday, August 6, 2002, at 2:00 p.m.

CONTRACTOR	BID AMOUNT
Aaron J. Conner, General Contractor, Inc.	\$186,860
S. C. Rossi & Company, Inc.	\$245,000
Jack St. Clair	\$289,680
E. C. Pace Company, Inc.	\$325,770

Estimated Cost: \$252,670

Office of the City Engineer Roanoke, Virginia August 6, 2002



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2002-2003 Capital Projects Fund Appropriations, be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations

Storm Drains Airport Road Storm Drain Extens	ion (1)	·	3,212,131 215,000
Fund Balances			
Reserved Fund Balance – Unappr Capital Projects Fund Interest Ea		\$	1,290,311
Appropriated from General Revenue Reserved Fund	(008-530-9791-9003)		
Balance - Capital Projects Fund Interest Earnings	(008-3325)	(215,000)	

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

D.T.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE accepting the bid of Aaron J. Conner, General Contractor, Inc., for storm drain improvements near the intersections of Airport Road and Municipal Road, as well as Airport Road and Towne Square Boulevard, upon certain terms and conditions and awarding a contract therefor; authorizing the proper City officials to execute the requisite contract for such work; rejecting all other bids made to the City for the work; and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke as follows:

- 1. The bid of Aaron J. Conner, General Contractor, Inc., in the amount of \$186,860 for storm drain improvements near the intersections of Airport Road and Municipal Road, as well as Airport Road and Towne Square Boulevard, as is more particularly set forth in the City Manager's Letter dated August 19, 2002, to this Council, such bid being in full compliance with the City's plans and specifications made therefor and as provided in the contract documents offered the bidder, which bid is on file in the Purchasing Division, be and is hereby ACCEPTED.
- 2. The City Manager and the City Clerk are hereby authorized, on behalf of the City, to execute and attest, respectively, the requisite contract with the successful bidder, based on its proposal made therefor and the City's specifications made therefor, the

1

contract to be in such form as is approved by the City Attorney, and the cost of the work to be paid for out of funds heretofore or simultaneously appropriated by Council.

3. Any and all other bids made to the City for the above work are hereby REJECTED, and the City Clerk is directed to notify each such bidder and to express to each the City's appreciation for such bid.

4. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:



CITY OF ROANOKE OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

August 19, 2002

Honorable Ralph K, Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable, William H. Carder, Council Member
Honorable M. Rupert Cutler, Sr., Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of Council:

Subject:

Award Contract for Telephone

RFP # 02-02-09

Background:

In 2001, bids were received from vendors for telephone system solutions to replace the current centrex service that is being used within the city. Due to considerable technological advances, the original specifications of the bid were considered obsolete. Additionally, procurement procedures were not followed after bid opening. Council rejected all bids and authorized the use of competitive negotiation as the method to secure vendors to provide the City's new telephone system through a RFP process.

Current:

Responses to the RFP were opened May 7, 2002 with a total of eight (8) vendors responding with proposed solutions.

Considerations:

All eight vendor responses were evaluated in a consistent manner. The responses were

Honorable Mayor and Members of Council 8/13/2002 Page 2

evaluated by a team consisting of representatives from the Department of Finance, Auditor's Office, Sheriff's Office, Department of Management and Budget, Department of Housing & Neighborhood Services, and Department of Technology. The eight responses were ranked by the team on the following criteria: References and performance, Company stability and financial strength, Responsiveness to the RFP

requirements, Warranty and Maintenance Plans, System Payment Options, Systems share of market. The top three vendors were selected by the team for interviews and presentations. The team ranked the three vendors after the presentations and agreed to enter into negotiations with their number one selection.

The Team unanimously agreed that Verizon offered the best solution for the City's telephone system requirements. Verizon would also provide invaluable project management support for the conversion of the current Centrex System and to the implementation of the new system scheduled October, 2002.

Letters of intent to award were sent on July 24, 2002 to all vendors who submitted a response.

Some of the benefits to be gained by a telephone system solution as proposed are:

- 1) Cost saving of \$123,000 the first year and \$36,000 in each of the following years.
- 2) Most important is the standardization of services and instruments as a result of the many different type of systems currently used throughout the city.
- 3) Capability to provide centralized voice mail for everyone on the new PBX system.
- 4) More detailed call accounting information for use by management.
- 5) City control and management of moves/adds/changes in requests for service.
- 6) Better management and cost control of long distance calls.

There are many other benefits to be gained for the future that will assist in providing greater functional capabilities to city employees and that will provide a higher level of customer service to the citizens.

Recommended Action:

Authorize the City Manager to enter into a contract with Verizon Select Services Inc., such contract to be approved as to form by the City Attorney, for the Telephone RFP # 02-02-09, in the amount of \$1,258,004. Funding for the project is available as follows: \$880,291 is available from Department of Technology Fund Account 013-052-9603; \$47,754 may be appropriated from the Civic Center Retained Earnings Account,

Honorable Mayor and Members of Council 8/13/2002 Page 3

\$41,146 from the Water Fund Retained Earnings Account, \$27,248 from the Sewer Fund Retained Earnings Account, \$37,982 from the Health Department and \$223,583 from the Department of Technology Retained Earnings Account to the same Telephone Project Account 013-430-9847.

Respectfully submitted,

arlene L. Burcham

City Manager

DLB:jds

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Joe D. Slone, Director, DoT
Barry L. Key, Director, DMB
Robert H. Bird, Acting Manager, Purchasing

#CM02-00189



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 General, Water, Water Pollution Control, Civic Center, and Department of Technology Funds Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2002-2003 General, Water, Water Pollution Control, Civic Center, and Department of Technology Funds Appropriations, be, and the same are hereby, amended and reordained to read as follows, in part:

General Fund

Appropriations

Nondepartmental Transfers to Other Funds (1)	\$	69,646,750 68,685,708
Health and Welfare Health Department (2)	-	27,448,753 1,102,871
Water Fund		
Appropriations		
Nonoperating Expense (3)	\$	1,126,801
Retained Earnings		
Retained Earnings Available for Appropriation (4)	\$	2,225,854
Water Pollution Control Fund		
Appropriations		
Nonoperating Expense (5)	\$	771,638
Retained Earnings		
Retained Earnings Available for Appropriation (6)	\$	5,078,752

Civic Center Fund

<u>Appropriations</u>			
Nonoperating Expense (7)		\$	117,084
Retained Earnings			
Retained Earnings Available for Ap	propriation (8)	\$	565,246
Department of Technology Fund			
Appropriations			
Capital Outlay Telephone Purchases (9) Fire/EMS System (10)			39,709 1,383,004
Revenues			
Transfers from Other Funds (11-14)	\$	47,754
Retained Earnings			
Retained Earnings Available for Ap	propriation (15)	\$	1,746,417
 Transfer to Department of Technology Fund Subsidies Transfer to Department of Technology Fund Retained Earnings - Available 	(001-250-9310-9513) (001-630-5110-3700) (002-510-2172-9513)	(37,982)	
for Appropriation	(002-3348)	(41,146)	
5) Transfer to Department of Technology Fund	(003-510-3172-9513)	27,248	
6) Retained Earnings - Available for Appropriation	(003-3348)	(27,248)	
7) Transfer to Department of Technology Fund	(005-550-2107-9513)	47,754	
8) Retained Earnings - Available for Appropriation	(005-3348)	(47,754)	
9) Appropriated from General Revenue	(013-052-9603-9003)	(880,291)	
10) Appropriated from General Revenue11) Transfer from General Fund12) Transfer from Water Fund	(013-430-9847-9003) (013-110-1234-1037) (013-110-1234-1035)	1,258,004 37,982 41,146	

13) Transfer from Water Pollution		
Control Fund	(013-110-1234-1036)	\$ 27,248
14) Transfer from Civic Center	(013-110-1234-1287)	47,754
15) Retained Earnings - Available		
for Appropriation	(013-3348)	(223,583)

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

DAC

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE accepting the bid of Verizon Select Services Inc., to provide telephone system solutions, to replace the current centrex service, upon certain terms and conditions, and awarding a contract therefor; authorizing the proper City officials to execute the requisite contract for such work; and dispensing with the second reading of this ordinance by title.

BE IT ORDAINED by the Council of the City of Roanoke as follows:

- 1. The bid of Verizon Select Services Inc., made to the City in the total amount of \$1,258,004.00, to provide telephone system solutions and to replace the current centrex service, as is more particularly set forth in the City Manager's letter to this Council, dated August 19, 2002, such amount arrived at through competitive negotiation, as authorized by City Council, is hereby ACCEPTED.
- 2. The City Manager and the City Clerk are hereby authorized on behalf of the City to execute and attest, respectively, the requisite contract with the successful bidder, as determined through competitive negotiation, said contract to be in such form as is approved by the City Attorney, and the cost of the work to be paid for out of funds heretofore or simultaneously appropriated by Council.
- 3. Any and all other bids made to the City for the above services are hereby REJECTED, and the City Clerk is directed to notify each such bidder and to express to each the City's appreciation for such bid.

O-telephone-Verizon081902

1.11

4.	Pursuant to the provisions of Section 12 of the City Charter, the second reading
of this ord	inance by title is hereby dispensed with.
	ATTEST:
	City Clerk.
•	

CITY OF ROANOKEOFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

August 19, 2002

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable William H. Carder, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject:

Funding for Fifth District Employment and Training Consortium – Economic and Employment Improvement Program for Disadvantaged

Persons (EEIP)

Background:

The Fifth District Employment and Training Consortium (FDETC) participates in the federally funded Workforce Investment Act (WIA) for the region, which encompasses the counties of Alleghany, Botetourt, Craig, Franklin and Roanoke as well as the cities of Covington, Roanoke, and Salem. WIA funding is for two primary client populations:

- dislocated workers who have been laid off from employment through no fault of their own, and
- economically disadvantaged individuals as determined by household income guidelines set up by the U.S. Department of Labor.

Honorable Mayor and Members of City Council August 19, 2002 Page 2

The City of Roanoke is the grant recipient and fiscal agent for FDETC funding, thus, City Council must appropriate the funding for all grants and other monies the FDETC receives.

1. The FDETC has received an award of \$25,000 from the Virginia Department of Social Services to provide services to clients under the Economic and Employment Improvement Program for Disadvantaged Persons (EEIP). The effective period is July 1, 2002 through June 30, 2003.

Honorable Mayor and Members of Council August 19, 2002 Page 2

2. The FDETC has received funds from jurisdictions in the Fifth Planning District to offset administrative costs. To date, allocations totaling \$4,961 have been received. (Botetourt County - \$1,627; City of Salem - \$1,278; City of Covington - \$2,056).

Consideration:

- Program Operations Existing activities will continue and planned programs will be implemented.
- Funding Funds are available from the Grantor agency and other sources as indicated, at no additional cost to the City.
- Timing Immediate action will allow activities to be implemented and completed within planned time frames, July 1, 2002 through June 30, 2003.

Recommended Action:

Appropriate the FDETC's funding totaling \$29,961 and increase the revenue estimate by \$29,961 in accounts to be established in the Consortium Fund by the Director of Finance.

Respectfully submitted,

Rucham

Darlene L. Burcham

City Manager

DLB:wc

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Barry L. Key, Director of Management and Budget
Glenn D. Radcliffe, Director of Human Services
Rolanda A. Johnson, Assistant City Manager for Community Development

CM02-00185



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Fifth District Employment and Training Consortium Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2002-2003 Fifth District Employment and Training Consortium Fund Appropriations, be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations

Fifth District Employment and Training Consortium Other Jurisdictions (1-3) Economic and Employment Improvement Program (4-18)			\$ 4,116,749 4,961 25,000	
Revenues				
Fifth District Employment and Train Other Jurisdictions (19)				\$ 4,116,749 4,961
Economic and Employment Improv	vement Program (20)	• • • • • • • • • • • • •		25,000
1) Insurance	(034-633-2380-8056)	\$	1,000	
2) Equipment	(034-633-2380-8059)		500	
3) Miscellaneous	(034-633-2380-8060)		3,461	
4) Administrative Wages	(034-633-2393-8350)		750	
5) Administrative Fringes	(034-633-2393-8351)		190	
6) Communication	(034-633-2393-8353)		30	
7) Supplies	(034-633-2393-8355)		30	
8) Wages	(034-633-2393-8050)	1:	2,125	
9) Fringes	(034-633-2393-8051)		2,850	
10) Travel	(034-633-2393-8052)		150	
11) Program Communications	(034-633-2393-8053)		250	
12) Program Supplies	(034-633-2393-8055)		250	
13) Program Insurance	(034-633-2393-8056)		100	
14) Program Leases	(034-633-2393-8057)		300	
15) Miscellaneous	(034-633-2393-8060)		175	
16) Training	(034-633-2393-8500)		500	

17) Subsidized Wages	(034-633-2393-8502)	5,800
18) Support Services	(034-633-2393-8461)	\$ 1,500
19) Other Jurisdictions	(034-633-2380-2380)	4,961
20) Economic and Employment		
Improvement Program	(034-633-2393-2393)	25,000

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:



CITY OF ROANOKEOFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

August 19, 2002

Honorable Ralph K. Smith, Mayor Honorable C. Nelson Harris, Vice Mayor Honorable William D. Bestpitch, Council Member Honorable William H. Carder, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject:

Cellular Phone Programs

For Police Use

Background:

Following the terrorist attacks of September 11, 2001 and the initiation of the Police Department's "Homeland Defense Initiative", U. S. Cellular approached the Police Department with an offer to help. The Homeland Emergency Loaner Phone (HELP) program would allow the Police Department to use six (6) activated cell phones during times of crisis or disaster. These full-access phones would only be deployed when a situation required additional communications capability. The Community Action Life Line (CALL) program would provide eighteen (18) cell phones with paging capability for use by the Police Department's Tactical Response Team. Many Tactical Response Team members and hostage negotiators are not equipped with pagers to allow prompt notification or call-out. The CALL phones only allow calls to specific Police Department phone numbers.

U.S. Cellular provides the phones and service at no cost to the City.

Considerations:

A release and hold harmless provision in the contracts, paragraph 6, requires the City to release and hold harmless U.S. Cellular from any claims arising from the

Honorable Mayor and Members of City Council August 19, 2002 Page 2

agreement. The proposed HELP and CALL contracts are essentially the same as the existing SAFE contract providing phones to domestic abuse victims which was approved by Council on October 1, 2001.

Recommended Action:

Authorize the City Manager to contract with U.S. Cellular for use of "HELP" and "CALL" program cell phones and service for a period of one year.

Respectfully submitted,

Darlene L. Burcham

City Manager

c: William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Mary F. Parker, City Clerk
Rolanda A. Johnson, Assistant City Manager
Chief A. L. Gaskins, Police

CM02-00183

4

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing execution of an agreement between the City of

Roanoke and U.S. Cellular, providing for use of cellular phones for the Homeland

Emergency Loaner Phone (H.E.L.P.) and the Community Action Life Line (C.A.L.L.)

programs.

BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. The City Manager and the City Clerk are hereby authorized, for and on

behalf of the City, to execute and attest, respectively, agreements with U.S. Cellular

providing for use of cellular phones for the Homeland Emergency Loaner Phone

(H.E.L.P.) and the Community Action Life Line (C.A.L.L.) programs.

2. Such agreements, which shall be approved as to form by the City

Attorney, shall be in substantially the form set forth in the attachment to the City

Manager's letter to this Council dated August 19, 2002, and shall include a provision

releasing and holding harmless U.S. Cellular.

ATTEST:

CITY OF ROANOKEOFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

August 19, 2002

Honorable Ralph K. Smith, Mayor Honorable C. Nelson Harris, Vice Mayor Honorable William D. Bestpitch, Council Member Honorable William H. Carder, Council Member Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Sharing Federally Forfeited Property

Background:

In 1986, Congress authorized the transfer of certain federally forfeited property to state and local law enforcement agencies that participated in the investigation and seizure of the property. Application for an equitable share of property seized by local law enforcement must be made to the U. S. Department of Justice and certified by the City Attorney. This property, including funds shared with state and local agencies, may be used only for the purpose stated in the application, i.e., narcotics investigations related to law enforcement.

Participation in federally forfeited property enhances the effectiveness of narcotics investigations by providing necessary investigations equipment, investigative funds, overtime expenses, and offsets the costs that would otherwise have to be borne by the city's taxpayers. The Police Department receives funds periodically from the federal government's asset sharing program. Grant requirements state that these funds be placed in an interest bearing account and the interest earned be used in accordance with program guidelines.

Revenues totaling \$44,677 have been collected and are available for appropriation in Grant Fund accounts 035-640-3304-3305 and 035-640-3304-3306.

Honorable Mayor and Members of Council August 19, 2002 Page 2

Recommended Action:

Appropriate \$44,677 to the Grant Fund account for Investigations & Rewards (035-640-3304-2150) and increase the Grant Fund revenue estimates for account 035-640-3304-3305 by \$44,119 and account 035-640-3304-3306 by \$558.

Respectfully submitted,

Darlene L. Burcham City Manager

DLB/wla

c: William M. Hackworth, City Attorney Jesse A. Hall, Director of Finance Mary F. Parker, City Clerk Rolanda Johnson, Assistant City Manager Chief A. L. Gaskins, Police

CM02-00179



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2002-2003 Grant Fund Appropriations, be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations

Public Safety Federal Asset Forfeiture (1)		 •••••		2,186,853 44,677
Revenues				
Public Safety Federal Asset Forfeiture (2-3)		 	\$	2,186,853 44,677
 Investigations and Rewards Federal Asset 	(035-640-3304-2150)	\$ 44,677		
Forfeiture Proceeds 3) Interest	(035-640-3304-3305) (035-640-3304-3306)	44,119 558		

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

CITY OF ROANOKEOFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

August 19, 2002

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable William H. Carder, Council Member
Honorable Rupert M. Cutler, Council Member
Honorable Alfred T. Dowe, Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject:

Funding for Emergency Water Purchases, Drought Management and Infrastructure Improvements

Background:

On February 4, 2002 the Carvins Cove reservoir had dropped to a level below the spillway of 20.0 feet. City Council declared that a water supply emergency existed, that there was a need to restrict the use of water in the City and approved a Water Conservation Plan.

Considerations:

The Water Conservation Plan is designed to extend the useful life of the water supply until sufficient rainfall occurs to refill the reservoir. The Plan identified a level of 26.0 feet below the spillway that the City would begin emergency water purchases. The reservoir reached 26.0 feet below the spillway on June 18, 2002 and the City began purchasing water from the City of Salem and Roanoke County. The daily purchase rate from the City of Salem is 1.5 MGD at a cost of

Honorable Mayor and Members of Council Funding for Emergency Water Purchases, Drought Management and Infrastructure Improvements August 19, 2002 Page 2

\$1,450.00 per MG and 4.0 MGD from Roanoke County at a cost of \$2,970.00 per MG. It is anticipated that the City will purchase water over the next four (4) months or until rainfall and additional water sources are available that can reduce or eliminate our need to buy water.

In addition to the purchase of emergency water other drought related costs are being incurred that require additional funding.

The need exists to provide funding for unidentified infrastructure repair and replacement, and new services and water lines. The funding levels for these accounts was reduced during the budget process and needs to be restored to levels that will sufficiently address emergencies and critical infrastructure improvements. New services, hydrants and water lines are reimbursed through fees and charges paid by customers.

Recommended Action:

Appropriate \$1,450,000 from the Water Fund retained earnings into account 002-510-2160-2256, Purchase Water — Roanoke County, \$261,000 into account 002-510-2160-2255, Purchase Water — Salem, \$130,000 into account 002-510-2160-2257, Purchase Water — Vinton to provide for emergency water purchases; \$10,000 into account 002-510-2160-1004, Temporary Wages, to provide for additional personnel necessary to manage the drought Plan, \$25,000 into account 002-510-2160-2015, Advertising, to provide for public relations materials, etc., \$350,000 into account 002-510-2178-9026, Water — Unidentified Plant Replacement, to fund repair and replacement, and \$200,000 into account 002-510-2178-9025, Water — New Services, Hydrants, Lines, to fund the installation of new service requests directly reimbursed through fees and charges.

Respectfully submitted,

Darlene L. Burcham

City Manager

DLB:je

c: Mary F. Parker, City Clerk William M. Hackworth, City Attorney Honorable Mayor and Members of Council Funding for Emergency Water Purchases, Drought Management and Infrastructure Improvements August 19, 2002 Page 3

Jesse A. Hall, Director of Finance George C. Snead, Jr., Assistant City Manager for Operations Mike McEvoy, Director of Utilities Jesse H. Perdue, Jr., Water Division Manager

CM02-00187



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Water Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2002-2003 Water Fund Appropriations, be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations

Operating Water - Operating (1-5) Water - Capital Outlay (6-7)		\$	15,672,295 1,876,000 550,000
Retained Earnings			
Retained Earnings Available for A	Appropriation (8)	\$	2,267,000
 Temporary Employee Wages Advertising 	(002-510-2160-1004) (002-510-2160-2015)	\$ 10,000 25,000	
3) Purchased Water - Salem 4) Purchased Water -	(002-510-2160-2255)	•	
Roanoke County	(002-510-2160-2256)	1,450,000	
5) Purchased Water - Vinton	(002-510-2160-2257)	130,000	
6) Water - New Service,	,		
Hydrants, Lines	(002-510-2178-9025)	200,000	
7) Water - Unidentified			
Plant Replacement	(002-510-2178-9026)	350,000	
8) Retained Earnings -			
Available for Appropriation	(002-3348)	(2,426,000)	

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

NOTICE:

Report will be faxed Friday, August 16, 2002.



CITY OF ROANOKE OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

August 19, 2002

Honorable Ralph K. Smith, Mayor, and Members of City Council Roanoke, Virginia

Dear Mayor Smith and Members of Council:

Subject:

Wet Weather Inprovements at

Control Plant CM02-0188

This is to request space on Council's regular agenda for a report on the above referenced subject.

Respectfully submitted,

Darlene L. Burcham

City Manager

DLB:sm

c:

City Attorney

City Clerk

Director of Finance



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Water Pollution Control Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2002-2003 Water Pollution Control Fund Appropriations, be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations

Capital Outlay WPCP - Design Services for W	et Weather Improvements		14,183,531 3,100,000
Revenues			
Due from Other Governments (3-	-6)	\$	1,875,778
Retained Earnings			
Retained Earnings - Available for	r Appropriation (7)	\$	5,106,000
Appropriated from Other Governments	(003-510-8361-8999)	\$ 1,674,000	
 Appropriated from General Revenue Due from City of Salem Due from Roanoke County Due from Botetourt County Due from Town of Vinton Retained Earnings - 	(003-510-8361-9003) (003-1071) (003-1072) (003-1073) (003-1074)	1,426,000 186,000 775,000 558,000 155,000	
Available for Appropriation	(003-3348)	(1,426,000)	

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

F 140

DITI

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing a contract with Hazen and Sawyer, P.C., for engineering and

consulting services for the design and development of plans, specifications, and bid documents

necessary to provide improvements to the City's Regional Water Pollution Control Plant to control

and treat high flows that occur during wet weather, and related work.

BE IT RESOLVED by the Council of the City of Roanoke that:

1. The City Manager and the City Clerk are hereby authorized to execute and attest,

respectively, a contract with Hazen and Sawyer, P. C., in the amount of \$3,100,000.00 for

engineering and consulting services for the design and development of plans, specifications, and bid

documents necessary to provide improvements to the City's Regional Water Pollution Control Plant

to control and treat high flows that occur during wet weather, and related work, as described in the

City Manager's letter to this Council dated August 19, 2002.

2. The form of the contract shall be approved by the City Attorney and shall be

substantially similar to the contract attached to the City Manager's letter to this Council dated April

19, 2002.

ATTEST:

City Clerk.

H:\Measures\r-hazensawyerwpcflow.1



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION declaring the City's intent to reimburse itself from the proceeds of its tax-exempt obligations for certain moneys to be appropriated by the City for the City's share of expenditures in connection with improvements to the Regional Water Pollution Control Plant; and providing for an effective date.

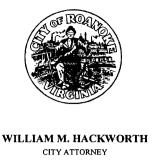
BE IT RESOLVED by the Council of the City of Roanoke as follows:

- 1. In accordance with U.S. Treasury Regulations, Section 1.150-2, the City hereby declares that it reasonably expects and intends to reimburse itself from the proceeds of its tax-exempt obligations in a principal amount currently estimated not to exceed \$17,600,000 for certain moneys to be appropriated by the City from time to time for the City's share of expenditures in connection with the Regional Water Pollution Control Plant.
- 2. The Council hereby determines that the appropriation authorized contemporaneously herewith is being made for a purpose for which the City is authorized to contract with respect to, and contemplated to be reimbursed from the proceeds of, tax-exempt obligations of the City. The maximum principal amount of tax-exempt obligations expected to be contracted for by the City in connection with the financing of the City's share of expenditures in connection with improvements to the Regional Water Pollution Control Plant is an amount currently estimated not to exceed \$17,600,000.
- 3. This is a declaration of official intent adopted pursuant to U.S. Treasury Regulations, Section 1.150-2. This official intent is being made not later than sixty days after the payment of the expenditures authorized by Paragraph 1 of this Resolution.

H:\MEASURES\r-intentwcpc.1.DOC

- 4. The City Clerk is directed to file this Resolution among the permanent papers of the City and hold it available for public inspection pursuant to the Virginia Freedom of Information Act, §2.2-3700 et seq., Code of Virginia, 1950.
 - 5. This Resolution shall be effective on and after the date of its adoption.

ATTEST:



CITY OF ROANOKE

OFFICE OF CITY ATTORNEY

464 MUNICIPAL BUILDING
215 CHURCH AVENUE, SW
ROANOKE, VIRGINIA 24011-1595

TELEPHONE: 540-853-2431 FAX: 540-853-1221 E-MAIL: cityatty@ci.roanoke.va.us ELIZABETH K. DILLON STEVEN J. TALEVI GARY E. TEGENKAMP DAVID L. COLLINS CAROLYN H. FURROW

ASSISTANT CITY ATTORNEYS

August 19, 2002

The Honorable Mayor and Members of City Council Roanoke, Virginia

Re:

Delinquent Real Estate Taxes

Dear Mayor Smith and Council Members:

During its last session, the General Assembly amended §15.2-2286.B., Code of Virginia, to provide that:

B. Prior to the initiation of an application for a special exception, special use permit, variance, rezoning or other land disturbing permit, including building permits and erosion and sediment control permits, or prior to the issuance of final approval, the authorizing body may require the applicant to produce satisfactory evidence that any delinquent real estate taxes owed to the locality which have been properly assessed against the subject property have been paid.

At the request of the City Manager, I have prepared the attached ordinance which would implement this provision in the City. Adoption of this ordinance will ensure that real estate taxes are current on properties where the enumerated types of approvals and permits are being sought.

Please let me know if you have any questions with regard to this ordinance.

With kindest personal regards, I am

Sincerely yours,

William M. Hackworth City Attorney

Bill Dahwith

WMH/f

c: Darlene L. Burcham, City Manager
Jesse A. Hall, Director of Finance
David C. Anderson, City Treasurer
Sherman A. Holland, Commissioner of the Revenue

Brian Townsend, Director of Planning, Building and Development

H:\I-hmtaxpaybefore.1.doc

MAKY

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE adding a new Section 32-7, <u>Delinquent Real Estate Taxes</u>, to Chapter 32, <u>Taxation</u>, Code of the City of Roanoke (1979), as amended, requiring that real estate taxes be current before certain applications may be made to the City; and dispensing with the second reading of this ordinance by title.

BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. Chapter 32, <u>Taxation</u>, Code of the City of Roanoke (1979), as amended, be amended by the addition of a new Section 32-7, <u>Delinquent Real Estate Taxes</u>, to read and provide as follows:

Section 32-7. Delinquent Real Estate Taxes.

Pursuant to the provisions of Section 15.2-2286.B, Code of Virginia (1950), as amended, prior to the initiation of an application for, or final approval of, a special exception, a variance, or a rezoning pursuant to the provisions of Chapter 36.1, Zoning, of this Code, or for a building permit pursuant to the provisions of Chapter 7, Building Regulations, of this Code, or for an erosion and sediment control or other land disturbing permit pursuant to the provisions of Chapter 11.1, Erosion and Sediment Control, of this Code, the applicant shall produce satisfactory evidence that any delinquent real estate taxes owed to the City which have been properly assessed against the subject property have been paid.

2. Pursuant to Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

ROANOKE CITY SCHOOL BOARD P. O. Box 13145, Roanoke, VA 24031 #fice: 540-853-2381 ★ Fay: 540-853-295

Office: 540-853-2381 ***** Fax: 540-853-2951

August 19, 2002

The Honorable Ralph K. Smith, Mayor and Members of Roanoke City Council Roanoke, VA 24011

Dear Members of Council:

As the result of official School Board action at its August 13 meeting, the Board respectfully requests City Council to approve the appropriation of \$125,000.00 for the Title I Even Start Family Literacy Grant. The program will provide parental and preschool workshops for family literacy efforts at the preschool and adult education levels. This continuing program is one hundred percent reimbursed by federal funds.

Thank you for your attention to this request.

Sincerely,

Cindy H. Lee, Clerk

Cindytt. Lee

re

cc: Mrs. Gloria P. Manns
Dr. E. Wayne Harris
Mr. Richard L. Kelley
Mr. Kenneth F. Mundy

Mr. William L. Murray

Mrs. Darlene Burcham Mr. William M. Hackworth

Mr. Jesse A. Hall

Mrs. Ann H. Shawver (with

accounting details)



CITY OF ROANOKE DEPARTMENT OF FINANCE

215 Church Avenue, S.W., Room 461 P.O. Box 1220 Roanoke, Virginia 24006-1220 Telephone: (540) 853-2821 Fax: (540) 853-6142

ANN H. SHAWVER

Deputy Director email: ann_shawver@ci.roanoke.va.us

JESSE A. HALL
Director of Finance
email: jesse_hall@ci.roanoke.va.us

August 19, 2002

The Honorable Ralph K. Smith, Mayor
The Honorable C. Nelson Harris, Vice Mayor
The Honorable William D. Bestpitch, Council Member
The Honorable William H. Carder, Council Member
The Honorable M. Rupert Cutler, Council Member
The Honorable Alfred T. Dowe, Jr., Council Member
The Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

We have reviewed the attached request to appropriate funding for the School Board. This report will appropriate the following:

\$125,000.00 for the Title I Even Start Family Literacy Grant. The program will provide parental and preschool workshops for family literacy efforts at the preschool and adult education levels. This continuing program is one hundred percent reimbursed by federal funds.

I recommend that you concur with this report of the School Board.

Sincerely,

Jesse A. Hall Director of Finance

Jam A. Hall

JAH/pac

Attachment

c: Darlene L. Burcham, City Manager
 William M. Hackworth, City Attorney
 Mary F. Parker, City Clerk
 E. Wayne Harris, Superintendent of City Schools



AN ORDINANCE to amend and reordain certain sections of the 2002-2003 School Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2002-2003 School Fund Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations

Education \$ 41,530,9 Title I-Even Start Family Literacy Grant FY03 (1-7)				
Revenues				
Education Title I-Even Start Family Literacy Grant FY03 (8)			0,945 5,000	
1) Compensation of				
Teachers	(030-061-6196-6000-0121)	\$ 79,297		
2) Compensation of	•			
Teacher Aides	(030-061-6196-6000-0141)	3,347		
3) Social Security	(030-061-6196-6000-0201)	5,929		
4) VRS Retirement	(030-061-6196-6000-0202)	10,014		
5) Medical Insurance	(030-061-6196-6000-0204)	6,413		
6) Professional Health	·			
Services	(030-061-6196-6000-0311)	1,000		
7) Other Professional	,			
Services	(030-061-6196-6000-0313)	19,000		
8) Federal Grant	•			
Receipts	(030-061-6196-1102)	125,000		

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

MA

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION canceling the work session meeting of City Council scheduled to be held at 12:15 p.m., on September 30, 2002, and changing the date of the regular meeting of City Council scheduled to be held at 12:15 p.m. and 2:00 p.m., on Tuesday, October 1, 2002, to 12:15 p.m., and 2:00 p.m., on Thursday, October 3, 2002.

BE IT RESOLVED by the Council of the City of Roanoke that:

- 1. The work session meeting of City Council scheduled to be held at 12:15 p.m., Monday, September 30, 2002, is hereby CANCELED.
- The meeting of City Council regularly scheduled to be held at 12:15 p.m. and 2:00 p.m., on Tuesday, October 1, 2002, is hereby rescheduled to commence at 12:15 p.m., and 2:00 p.m., on Thursday, October 3, 2002.
- 2. Resolution No. 35958-070202, adopted July 2, 2002, is hereby amended to the extent it is inconsistent with this resolution.
- 3. The City Clerk is directed to cause a copy of this resolution to be posted adjacent to the doors of the Council Chambers and inserted in a newspaper having general circulation in the City at least seven days prior to September 30, 2002, and at least seven days prior to the meeting of October 3, 2002.

ATTEST:

City Clerk.

Ca Boult

CITY OF ROANOKE PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166 Roanoke, Virginia 24011 Telephone: (540) 853-1730 Fax: (540) 853-1230 E-mail: planning@ci.roanoke.va.us

Architectural Review Board Board of Zoning Appeals Planning Commission

August 19, 2002

Honorable Ralph K. Smith, Mayor Honorable C. Nelson Harris, Vice Mayor Honorable William H. Carder, Council Member Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable William D. Bestpitch, Council Member Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject:

Request from Valley Pine Mortgage, Inc., that two vacant parcels of

land on Virginia Avenue, S.W., designated as Official Tax Nos. 1221013 and 1221014, be rezoned from RM-2, Residential Multifamily, Medium Density District, to LM, Light Manufacturing

District.

Planning Commission Action:

Planning Commission public hearing was held on Thursday, July 18, 2002. By a vote of 6-0 (Mr. Hill absent), the Commission recommended approval of the rezoning request.

Background:

The two subject parcels are between Virginia Avenue and the Norfolk and Southern railroad tracks. The Petitioner has a contract pending with the owners of Black Dog Architectural Salvage, which plans to relocate its business to the site. The Department of Economic Development is assisting Black Dog Salvage with relocation from its Franklin Road address.

Considerations:

Surrounding zoning is residential and industrial. Zoning to the northeast of the subject parcels is RS-3 and RM-2. To the south, the zoning is LM. To the northwest, the zoning is HM.

Surrounding land uses are mixed. To the east is a nonconforming mobile home park (zoned LM). The site is separated from other residential uses to the north by the railroad tracks. Other surrounding land uses are industrial.

The prospective owners plan to use the existing warehouse building on Official Tax Map No. 1221201 and the adjoining parcels, Official Tax Map Nos.1221203 and 1221207, to house an antique storage and retail sales establishment. The prospective owners propose to use the subject properties for parking.

Access to the mobile home development is via Hanna Circle. Virginia Avenue provides access to the site of the subject properties. The Manager of Streets and Traffic has advised that the proposed use will have no notable impact on traffic in the area.

An economic development policy of *Vision 2001-2020* is to encourage redevelopment of underused industrial sites. Rezoning of the subject properties will allow industrial development of the adjoining industrial parcels. The subject properties are contiguous to an LM district, and are best suited for industrial development.

Recommendation:

By a vote of 6-0 (Mr. Hill absent), the Commission recommended that City Council approve the request to rezone the subject properties to LM, Light Manufacturing. The rezoning is consistent with the policies of *Vision 2001-2020* in that it will encourage redevelopment of an underused industrial site.

Respectfully submitted,

Robert B. Manetta, Chairman

City of Roanoke Planning Commission

Robert Manetta

cc: Darlene L. Burcham, City Manager

Rolanda Johnson, Assistant City Manager for Community Development

William M. Hackworth, City Attorney

Steven J. Talevi, Assistant City Attorney

Stephen W. Lemon, Attorney for the Petitioner

Tom Hanes, President, Greater Raleigh Court Civic League

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

IN RE:

Rezoning of a tract of land described as 0.010 Acre tract part of Lot 1, Block 7, Mountainview, Official Tax Map No. 1221013 and 0.204 Acre tract part of Lots 11 and 12, Block 7, Mountainview, Official Tax Map No. 1221014, from RM-2; Residential Multifamily District, Medium Density District to LM; Light Manufacturing District.

TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF ROANOKE:

The Petitioner, Valley Pine Mortgage, Inc. n/k/a V.P. Mortgage, Inc., a Maryland Corporation, owns two tracts of land in the City of Roanoke containing 0.010 acres, more or less, and 0.204 acres, more or less, as described above, located on Virginia Avenue, SW. Said tracts are currently zoned RM-2; Residential Multifamily District, Medium Density. A map of the property to be rezoned is attached as Exhibit A.

Pursuant to Section 36.1-690, Code of the City of Roanoke (1979), as amended, the Petitioner requests that the said property be rezoned from RM-2, Residential Multifamily District, Medium Density District to, LM, Light Manufacturing District, for the purpose of conforming the zoning of the subject parcels to that of the adjoining property owned by petitioner (as well as all other directly contiguous property) in order to promote the uniform development of the entire property. It is intended that the rezoned property will be utilized as parking as shown on Exhibit A. The rezoning will allow the Petitioner to fully utilize the property because parking is permitted in the LM District. In addition, Petitioner

intends to install the fencing detailed on Exhibit \underline{A} in order to provide security for the parking.

The Petitioner believes the rezoning of the said tract of land will further the intent and purposes of the City's Zoning Ordinance and its Comprehensive Plan, in that it will encourage and promote economic development activities that provide desirable employment and enlarge the tax base; regulate and restrict the location of trades, industries and residence and provide for logical and consistent zoning of contiguous property with natural barriers to adjoing districts. This rezoning will further a key element in the City's new Comprehensive Plan in that it will allow for the redevelopment of an existing underutilized commercial site. The site once redeveloped will return an unproductive property to a new and viable use, which will complement and augment the nearby Raleigh Court neighborhood village center. The rehabilitation of this site will also assist the viewshed of a significant gateway corridor into the heart of the City

Attached as Exhibit B are the names, addresses and tax numbers of the owner or owners of all lots of property immediately adjacent to and immediately across a street or road form the property to be rezoned.

WHEREFORE, the Petitioner requests that the above-described tract be rezoned as requested in accordance with the provisions of the Zoning Ordinance of the City of Roanoke.

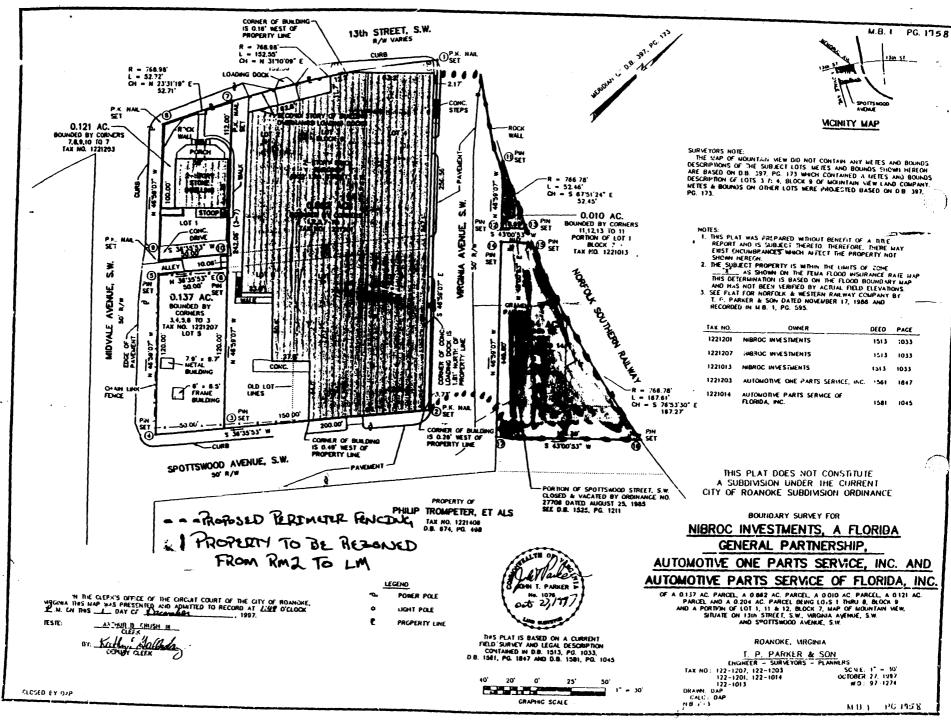
Respectfully submitted this 6th day of June, 2002.

Respectfully submitted,

V.P. Mortgage, Inc., a Maryland Corporation

By: Thomas. Turn as gent for Usley Pine Mortgage Owner

Stephen W. Lemon, Eq. Martin, Hopkins, & Lemon, P.C. P.O. Box 13366 Roanoke, VA 24033 540-982-1000 USB No 33900



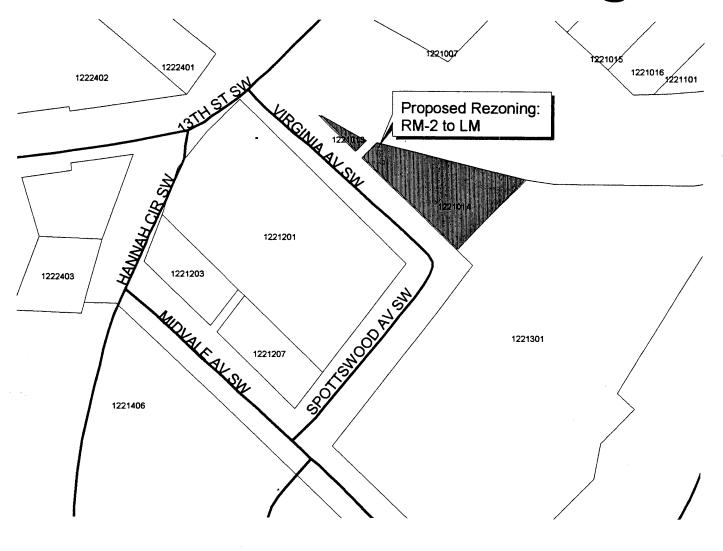
EXHIRTT A

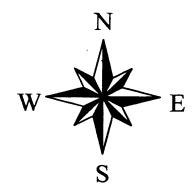
EXHIBIT <u>B</u>

Official Tax No./ Street Address	Name of Property Owner	Mailing Address
1221201	Valley Pine Mortgage, Inc.	701 W. Church St. Orlando, FL 32802
1221301	Trompeter Brothers, LC	PO BOX 20468 Roanoke, VA 24018
N/A	Norfolk & Southern	110 Franklin Road, SE
		Roanoke, VA 24011
1222401	City of Roanoke	215 Church Ave, SW
		Roanoke, VA 24011

Drangad Dataning

Proposed Rezoning





Salar

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 122, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City; and dispensing with the second reading of this ordinance by title.

WHEREAS, Valley Pine Mortgage, Inc. has made application to the Council of the City of Roanoke to have the hereinafter described property rezoned from RM-2, Residential Multifamily, Medium Density District to LM, Light Manufacturing District; and

WHEREAS, the City Planning Commission, which after giving proper notice to all concerned as required by §36.1-693, Code of the City of Roanoke (1979), as amended, and after conducting a public hearing on the matter, has made its recommendation to Council; and

WHEREAS, a public hearing was held by City Council on said application at its meeting on August 19, 2002, after due and timely notice thereof as required by §36.1-693, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were given an opportunity to be heard, both for and against the proposed rezoning; and

WHEREAS, this Council, after considering the aforesaid application, the

recommendation made to the Council by the Planning Commission, the City's Comprehensive Plan, and the matters presented at the public hearing, is of the opinion that the hereinafter described property should be rezoned as herein provided.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that:

1. Section 36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 122 of the Sectional 1976 Zone Map, City of Roanoke, be amended in the following particular and no other:

A tract of land described as 0.010 acre tract part of Lot 1, Block 7, Mountainview, Official Tax Map No. 1221013 and a 0.204 acre tract part of Lots 11 and 12, Block 7, Mountainview, Official Tax Map No. 1221014 be, and is hereby rezoned from RM-2, Residential Multifamily, Medium Density District, to LM, Light Manufacturing District, as set forth in the Petition filed in the Office of the City Clerk on June 6, 2002, and that Sheet No. 122 of the Zone Map be changed in this respect.

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

CITY OF ROANOKE PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166 Roanoke, Virginia 24011 Telephone: (540) 853-1730 Fax: (540) 853-1230 E-mail: planning@ci.roanoke.va.us

Architectural Review Board Board of Zoning Appeals Planning Commission

August 19, 2002

Honorable Ralph K. Smith, Mayor Honorable C. Nelson Harris, Vice Mayor Honorable William H. Carder, Council Member Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable William D. Bestpitch, Council Member Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Request from Valley Pine Mortgage, Inc., that a portion of Virginia

Avenue, S.W., from 13th Street, S.W., to Spottswood Avenue, S.W.; and alley lying between parcels bearing Official Tax Nos. 1221013 and 1221014; and an alley lying between parcels bearing Official Tax Nos. 1221203 and 1221207, be permanently vacated,

discontinued and closed.

Planning Commission Action:

Planning Commission public hearing was held on Thursday, July 18, 2002. By a vote of 5-1 (Mr. Manetta voting against the petition and Mr. Hill absent), the Commission recommended approval of the requested closure.

Background:

The portion of Virginia Avenue requested for vacation is a paved road connecting 13th Street and Spottswood Avenue, S.W. Perpendicular to and adjoining Virginia Avenue, between it and the residual railroad right-of-way property of Norfolk and Southern, is one of the paper alleys petitioned for vacation. The other is perpendicular to and adjoining Midvale Avenue, S.W. and abuts the petitioner's property.

Mr. Manetta read the items that pertained to the Petitioner, the rezoning request for two parcels from RM-2 to LM, and the closure of a portion of Virginia Avenue and two paper alleys. He then gave Mr. Steve Lemon, attorney for the prospective owners, the option of presenting both items together or separately. Mr. Lemon proceeded by addressing each petition separately, while also speaking to the overall plan of his clients.

Mr. Lemon presented on behalf of the Petitioner and stated that his clients, Black Dog Architectural Salvage, are under contract to purchase the properties from the Petitioner. Planning Commission discussed issues of preserving the old stone house and outdoor storage. Mr. Frederick Gusler, City Planner, presented the staff report and recommended approval of the street and alley closures. Staff noted that the primary means of access to the adjoining properties is via Hannah Circle. Staff noted that it had received a petition from the counsel for the Trompeter Brothers, LLC, signed by residents of Hannah Court in opposition to the closure of Virginia Avenue. The petition stated that the residents use Virginia Avenue and that it needs to be left open to provide access for emergency vehicles. Staff advised that Fire/EMS had approved of the request, and that while the residents' concerns should be considered, Hannah Court is zoned LM, and is thus a non-conforming use.

Considerations:

All of the parcels adjoining Virginia Avenue and the alley adjoining it are vacant. An unoccupied warehouse lies to the west of it on Official Tax Map No. 1221201, which the petitioner is under contract to sell. To the south and west of the alley adjoining Midvale Avenue is a mobile home development, that is a grandfathered use on an LM-zoned property.

Staff received comments from American Electric Power and Roanoke Gas affirming the presence of their facilities in the right-of-way and the need to maintain utility easements.

The prospective owners plan to use the existing warehouse building on Official Tax Map No. 1221201 and the adjoining parcels, Official Tax Map Nos.1221203 and 1221207, to house an antique storage and retail sales establishment. The prospective owners propose using the subject portion of right-of-way for ingress and egress to the site, and to close off Virginia Avenue from Spottswood Avenue to erect a fence for security concerns.

Hannah Circle is temporarily closed at 13th Street due to the maintenance work on Memorial Bridge. Traffic is being diverted to Virginia Avenue. The City Engineer advised that future maintenance of the bridge should not be necessary for another 25 years, and that such was not reason enough to deny closure of the portion of Virginia Avenue. Closure of the subject portion of Virginia Avenue would be pending upon reopening Hannah Circle at 13th Street.

Staff consulted with the Manager of Streets and Traffic to determine if a turnaround area could be constructed on Spottswood Avenue to accommodate Fire/EMS vehicles. The Department of Engineering surveyed the subject areas of Virginia and Spottswood Avenue and determined that there is sufficient right-of-way to accommodate a turnaround area at the end of Spottswoods Avenue.

Recommendation:

By a vote of 5-1 (Mr. Manetta voting against the petition and Mr. Hill absent), the recommended that City Council approve the petitioner's request and close the subject portion of Virginia Avenue and the two paper alleys in question. The closure will aid in the redevelopment of an industrial site. The redevelopment of such sites is encouraged in *Vision 2001-2020*. While *Vision 2001-2020* also encourages maintaining and increasing the connectivity of City roads, the degree of connectivity lost in this case is negligible when compared to the greater gain of developing this site.

As a condition of the closure, Virginia Avenue will remain open until the reopening of Hannah Circle. In addition, the closure, discontinuance and vacation of the subject portion of Virginia Avenue and the paper alleys will be subject to the following conditions:

- A. The applicant shall submit a subdivision plat to the Agent for the Planning Commission, receive all required approvals of, and record the plat with the Clerk of the Circuit Court for the City of Roanoke. Said plat shall combine all properties which would otherwise dispose of the land within the right of way to be vacated in a manner consistent with law, and retain appropriate easements for the installation and maintenance of any and all existing utilities that may be located within the right-of-way, including the right of ingress and egress.
- B. Upon meeting all other conditions to the granting of the application, the applicant shall deliver a certified copy of this ordinance for recordation to the Clerk of the Circuit Court of Roanoke, Virginia, indexing the same in the name of the City of Roanoke, Virginia, as Grantor, and in the name of the Petitioner, and the names of any other parties in interest who may so request, as Grantees. The applicant shall pay such fees and charges as are required by the Clerk to effect such recordation.
- C. Upon recording a certified copy of this ordinance with the Clerk of the Circuit Court of the City of Roanoke, Virginia, the applicant shall file with the Engineer for the City of Roanoke, Virginia, the Clerk's receipt, demonstrating that such recordation has occurred.
- D. If the above conditions have not been met within a period of one year from the date of adoption of this ordinance, then said ordinance shall be null and void with no further action by City Council being necessary.

Respectfully submitted,

Robert B. Manetta, Chairman

Robert Manettee

City of Roanoke Planning Commission

cc: Darlene L. Burcham, City Manager

Rolanda Johnson, Assistant City Manager for Community Development

William M. Hackworth, City Attorney Steven J. Talevi, Assistant City Attorney

Attorney for the Petitioner

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

IN RE:

Application of V.P. Mortgage, Inc., a Maryland corporation for vacation)
Virginia Avenue, SW and Alley between)
Roanoke City Tax map Nos.)
1221013 and 1221014 and)
Alley between Roanoke City Tax map)
Nos. 1221203 and 1221207

APPLICATION FOR VACATING, DISCONTINUING AND CLOSING OF VIRGINIA AVENUE BETWEEN 13TH STREET SW AND SPOTTSWOOD AVENUE SW; ALLEY BETWEEN ROANOKE CITY TAX MAP NUMBERS 1221013 AND 1221014; AND ALLEY BETWEEN ROANOKE CITY TAX MAP NUMBERS 1221203 AND 1221207.

MEMBERS OF COUNCIL:

V.P. Mortgage, Inc., by counsel, applies to have Virginia Avenue, SW, from 13th Street, S.W., to Spottswood Avenue, S.W., in the City of Roanoke, Virginia, permanently vacated, discontinued and closed, pursuant to Virginia Code Section 15.2-2006 and Section 30-14, Code of the City of Roanoke (1979), as amended. This street is more particularly described on the plat attached as follows: Virginia Avenue, S.W. (50' right-of-way) from 13th Street, S.W. to Spottswood Avenue, S.W. V.P. Mortgage, Inc., by counsel, further applies to have the alley located between parcels bearing Official Tax Map Numbers 1221013 and 1221014, in the City of Roanoke, Virginia, permanently vacated, discontinued and closed, pursuant to Virginia Code Section 15.2-2006 and Section 30-14, Code of the City of Roanoke (1979), as amended. V.P. Mortgage, Inc., by counsel, further applies to have the alley located between parcels bearing Official Tax Map Numbers 1221203 and 1221207, in the City of Roanoke, Virginia, permanently vacated, discontinued and closed, pursuant to Virginia Code Section 15.2-2006 and Section 30-14, Code of the City of Roanoke (1979), as amended.

- V.P. Mortgage, Inc. states that the grounds for this application are as follows:
- (1) The applicant desires to use the property to be vacated in combination with its adjoining property to create a single economically viable parcel which may be redeveloped and returned to productive use.
- (2) The rights-of-way in question are not necessary for adequate ingress or egress to any adjoining property and are further not necessary for through traffic.

WHEREFORE, V.P. Mortgage, Inc. respectfully requests that the above-described street and alleys be vacated by the Council of the City of Roanoke, Virginia, in accordance with the Virginia Code Section 15.2-2006 and section 30-14, Code of the City of Roanoke (1979), as amended.

Respectfully submitted

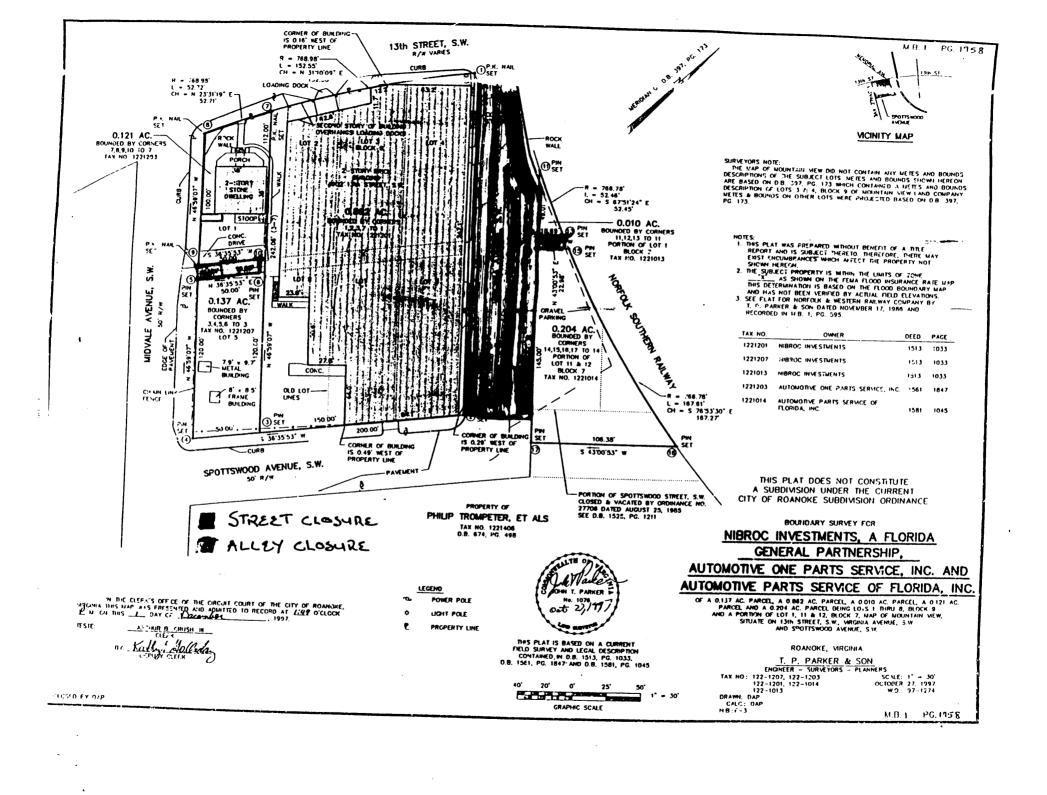
V.P. Mortgage, Inc.

3y Thomas 5. Thrung June 6, 2002

as agent for

Stephen W. Lemon Martin, Hopkins, & Lemon, P.C. P.O. Box 13366 Roanoke, VA 24033 1000 First Union Tower 10 S. Jefferson Street Roanoke, VA 24011

982-1000

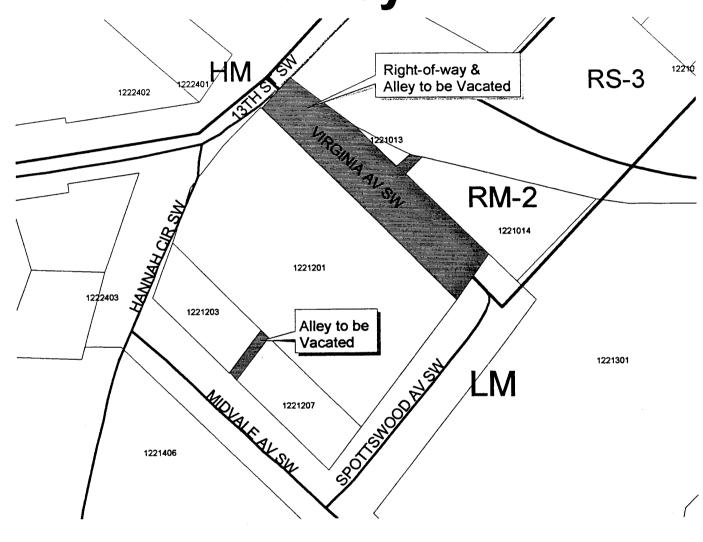


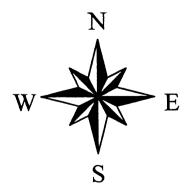
Official Tax No./ Street Address	Name of Property Owner	Mailing Address
1221201	Valley Pine Mortgage, Inc.	701 W. Church St. Orlando, FL 32802
1221301	Trompeter Brothers, LC	PO BOX 20468 Roanoke, VA 24018
N/A	Norfolk & Southern	110 Franklin Road, SE
		Roanoke, VA 24011
1222401	City of Roanoke	215 Church Ave, SW
		Roanoke, VA 24011

.

1.00

Proposed Vacation: Virginia Avenue, SW & Alleys







IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE permanently vacating, discontinuing and closing certain public rights-of-way in the City of Roanoke, Virginia, as more particularly described hereinafter; and dispensing with the second reading of this ordinance by title.

WHEREAS, Valley Pine Mortgage, Inc., filed an application dated June 6, 2002, to the Council of the City of Roanoke, Virginia, in accordance with law, requesting the Council to permanently vacate, discontinue and close the public rights-of-way described hereinafter; and

WHEREAS, the City Planning Commission, after giving proper notice to all concerned as required by §30-14, Code of the City of Roanoke (1979), as amended, and after having conducted a public hearing on the matter, has made its recommendation to Council; and

WHEREAS, a public hearing was held on said application by the City Council on August 19, 2002, after due and timely notice thereof as required by §30-14, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were afforded an opportunity to be heard on said application; and

WHEREAS, it appearing from the foregoing that the land proprietors affected by the requested closing of the subject public rights-of-way have been properly notified; and

WHEREAS, from all of the foregoing, the Council considers that no inconvenience will result to any individual or to the public from permanently vacating, discontinuing and closing said public rights-of-way.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke, Virginia, that the public rights-of-way situate in the City of Roanoke, Virginia, and more particularly described as follows:

That certain portion of Virginia Avenue, S.W., from 13th Street, S.W., to Spottswood Avenue, S.W.; an alley lying between parcels bearing Official Tax Nos. 1221013 and 1221014; and an alley lying between parcels bearing Official Tax Nos. 1221203 and 1221207

be, and are hereby permanently vacated, discontinued and closed, and that all right and interest of the public in and to the same be, and hereby is, released insofar as the Council of the City of Roanoke is empowered so to do with respect to the closed portion of the rights-of-way, reserving however, to the City of Roanoke and any utility company, including, specifically, without limitation, providers to or for the public of cable television, electricity, natural gas or telephone service, an easement for sewer and water mains, television cable, electric wires, gas lines, telephone lines, and related facilities that may now be located in or across said public rights-of-way, together with the right of ingress and egress for the maintenance or replacement of such lines, mains or utilities, such right to include the right to remove, without the payment of compensation or damages of any kind to the owner, any landscaping, fences, shrubbery, structure or any other encroachments on or over the easement which impede access for maintenance or replacement purposes at the time such work is undertaken; such easement or easements to terminate upon the later abandonment of use or

permanent removal from the above-described public rights-of-way of any such municipal installation or other utility or facility by the owner thereof.

BE IT FURTHER ORDAINED that Valley Pine Mortgage, Inc., will have one (1) year from the date Hannah Circle is reopened to traffic to submit to the Subdivision Agent, receive all required approvals of, and record with the Clerk of the Circuit Court for the City of Roanoke, a subdivision plat, with said plat combining all properties which would otherwise be landlocked by the requested closure, or otherwise disposing of the land within the rights-of-way to be vacated in a manner consistent with law, and retaining appropriate easements, together with the right of ingress and egress over the same, for the installation and maintenance of any and all existing utilities that may be located within the rights-of-way, as set forth above.

BE IT FURTHER ORDAINED that the applicant shall deliver to the Clerk of the Circuit Court of the City of Roanoke, Virginia, a certified copy of this ordinance for recordation where deeds are recorded in said Clerk's Office, indexing the same in the name of the City of Roanoke, Virginia, as Grantor, and in the name of the Petitioner, and the names of any other parties in interest who may so request, as Grantees, and pay such fees and charges as are required by the Clerk to effect such recordation.

BE IT FURTHER ORDAINED that the applicant shall, upon a certified copy of this ordinance, signed, sealed and acknowledged, on behalf of Valley Pine Mortgage, Inc., being recorded by the Clerk of the Circuit Court of the City of Roanoke, Virginia, where deeds are

recorded in said Clerk's Office, file with the City Engineer for the City of Roanoke, Virginia, the Clerk's receipt, demonstrating that such recordation has occurred.

BE IT FURTHER ORDAINED that if Valley Pine Mortgage, Inc., does not file with the City Engineer for the City of Roanoke, Virginia, the Clerk's receipt within a period of six (6) months from the date of the filing of the subdivision plat with the Clerk of the Circuit Court for the City of Roanoke, then this ordinance shall be null and void with no further action by City Council being necessary.

BE IT FURTHER ORDAINED that the closure of the subject rights-of-way is conditioned upon the following:

- 1. Valley Pine Mortgage, Inc., or its successors in interest, shall install decorative metal fencing which encloses Official Tax Nos. 1221013 and 1221014, and the portion of Virginia Avenue which is the subject of the application dated June 6, 2002, to close the subject rights-of-way, within two (2) years of the recordation of the subdivision plat referenced above. Such fencing shall not exceed eight (8) feet in height.
- 2. Valley Pine Mortgage, Inc., or its successors in interest, shall invest a minimum of ten thousand dollars and no cents (\$10,000.00) in improvements to Official Tax Nos. 1221013, 1221014, 1221203, 1221207 and 1221201, within two (2) years of the recordation of the subdivision plat referenced above. Such investment may consist of improvements to any portion of Official Tax Nos. 1221013, 1221014, 1221203, 1221207 and 1221201, visible to the general public, including the exterior of the structure located on Official Tax No.

1221201. Evidence of the investment shall be in form acceptable to the Director of

Economic Development for the City of Roanoke.

3. There will be no outdoor storage of any plumbing fixtures or household

appliances in the portion of Virginia Avenue which is the subject of the application dated

June 6, 2002, to close the subject rights-of-way, at any time.

4. If Valley Pine Mortgage, Inc., or its successors in interest, fail to comply with

Condition Nos. 1 or 2, above, within the times permitted, Valley Pine Mortgage, Inc., or its

successors in interest, shall forward to the Treasurer for the City of Roanoke ten thousand

dollars and no cents (\$10,000.00) for the value of the rights-of-way being closed, within

thirty (30) days of the failure of Valley Pine Mortgage, Inc., or its successors in interest, to

comply with such conditions.

BE IT FURTHER ORDAINED that the City Clerk shall transmit an attested copy of

this ordinance to Valley Pine Mortgage, Inc., 701 W. Church Street, Orlando, Florida 32802.

BE IT FINALLY ORDAINED that pursuant to the provisions of §12 of the City

Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

ACCEPTED and EXECUTED	by the undersigned this day of
, 20	
ATTEST:	VALLEY PINE MORTGAGE, INC.
Its	By(Seal) Its
COMMONWEALTH OF VIRGINIA	§ To-Wit: §
The foregoing instrument was ack this day of, 20, of Valley Pine	knowledged before me in my jurisdiction aforesaid , by, the e Mortgage, Inc.
My Commission expires:	•
	Notary Public

F 14



Architectural Review Board Board of Zoning Appeals Planning Commission

CITY OF ROANOKE PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166 Roanoke, Virginia 24011 Telephone: (540) 853-1730 Fax: (540) 853-1230 E-mail: planning@ci.roanoke.va.us

August 19, 2002

Honorable Ralph K. Smith, Mayor Honorable C. Nelson Harris, Vice Mayor Honorable William H. Carder, Council Member Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable William D. Bestpitch, Council Member Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject:

Request from ASpace, LLC, represented by Maryellen F. Goodlatte, attorney, that five tracts located on Sixth Street, Luck Avenue, and Marshall Avenue, S.W., identified as Official Tax Numbers 1113305, 1113501, 1113502 zoned LM, Light Manufacturing District, and Official Tax Number 1113312 and a portion of Official Tax No. 1113313, zoned C-1, Office District, be rezoned to C-3, Central Business District.

Planning Commission Action:

Planning Commission public hearing was held on Thursday, July 18, 2002. By a vote of 6-0 (Mr. Hill absent), the Commission voted to recommend approval of the rezoning request.

Background:

A Petition to Rezone approximately 1.34 acres consisting of five tracts of land described as:

Tax Map No. 1113305, 505 Sixth Street, S.W., zoned LM, Light Manufacturing
Tax Map No. 1113501, 0 Luck Avenue, S.W., zoned LM, Light Manufacturing

Tax Map No. 1113502, 0 Luck Avenue, S.W., zoned LM, Light Manufacturing

Tax Map No. 1113312, 0 Marshall Avenue, S.W., zoned C-1, Office District

A portion of Tax Map No. 1113313, 0 Marshall Avenue, S.W., zoned C-1, Office District

from LM, Light Manufacturing District, and C-1, Office District, as above noted to C-3, Central Business District, was filed on June 5, 2002.

The only existing improvement on the subject properties is a masonry warehouse, sometimes referred to as the Cotton Mill, constructed in 1919 and located on Tax Map No. 1113305. The other parcels in the petition are used for parking.

Planning Commission held a public hearing on the rezoning request on July 18, 2002. Mrs. Maryellen Goodlatte, counsel for the petitioner, presented the request. Mrs. Nancy Snodgrass, City Planner, presented the staff report. Staff recommended approval citing the following reasons:

- The proposed change in zoning is a reasonable development strategy that is consistent with the recommendations of the Comprehensive Plan and its downtown component, Outlook Roanoke Update;
- The proposed use is in complete compliance with Vision 2001-2020's recommendations for adaptive reuse of vacant industrial structures, the provision of downtown living space, and the concept of mixed-use development.

The Planning Commission opened the meeting for public comment. Mr. Bruce Muncy of 523 Woods Avenue stated that he supported the rezoning but that he encouraged the Planning Commission that any other development up Fifth Street be done in a fashion that maintained the Old Southwest neighborhood. Mrs. Joel Richert of 415 Allison Avenue stated that she supported the proposed rezoning but she would not want a gas station which is a special exception use in the C-3, Central Business District.

Planning Commission noted that any request for a special exception use would require an application to the Board of Zoning Appeals. Mr. Rife said that his firm, which is working on the plans for the YMCA, is trying to coordinate an effort for a plan for shared parking in that area.

Considerations:

The petitioner is contemplating a mixed-use development for the vacant warehouse space, which was originally used as a manufacturing facility. It is proposed that half of the building be occupied by artist studios and loft

apartments with the balance of the property supporting office and retail uses such as a café/bistro, photography studios, art shops, study groups, dance classes, craft stores, nature stores, outdoor stores, and professional offices.

The warehouse property abuts C-1, Office District, property directly to the north, west, and northeast. Existing uses on those properties include parking under construction for Calvary Baptist Church, which is adjacent to the church, itself and the Jefferson Center. Property directly to the south and southeast of the warehouse is zoned C-3, Central Business District. Property to the east across Sixth Street S.W. is zoned LM, Light Manufacturing, and includes 2 parcels included in this petition to rezone to C-3, Central Business District.

The balance of the parcel identified as Tax Map No. 111313, and not included in this petition, is already zoned C-3, Central Business District. The rezoning request in this petition would bring the entire parcel under one zoning district.

All subject properties within this petition, with the exception of Tax Map No. 1113501 and Tax Map No. 1113502 on the east side of Sixth Street S. W., are located within the H-2, Neighborhood Preservation Overlay District, and would be subject to the provisions thereof. This designation gives further assurance that redevelopment of these properties would be in keeping with the current character of the structure and surrounding neighborhood.

The intent of the C-3, Central Business District, is to form the metropolitan center for commercial, financial, professional, governmental and cultural activities. It is also intended to provide for residential development with housing convenient to places of work. The C-3, Central Business District, designation requested for these properties would allow for the adaptive re-use of an existing 83 year old heritage warehouse that currently sits vacant.

The City Traffic Engineer foresees no significant traffic issues with the proposed mixed-use development.

Vision 2001-2020, the City's Comprehensive Plan, includes the following recommendations for land use and development:

- 1. Downtown will be developed as Roanoke's premier urban village with a mix of high-density residential, commercial, and retail uses as well as live/work space.
- 2. Revise zoning ordinance and review the application of the building code to permit development of live/work space.
- 3. Develop economic incentives and review the application of building code regulations in the downtown to encourage residential development.

6 430

- 4. Inventory and market vacant lots and underutilized sites in the downtown for higher-density, mixed-use development.
- 5. Downtown will continue to serve as the region's central business district with opportunities for downtown living, office space, retail, and cultural and entertainment attractions.
- 6. Adopt the downtown plan, *Outlook Roanoke Update*, as a component of Vision 2001-2020.
- 7. Pursue strategies to increase availability of specialized retail and livework space in the downtown.
- 8. Identify underutilized industrial and commercial sites and promote redevelopment and revitalization as part of Roanoke's economic development strategy.
- Revise zoning ordinance to permit mixed-use residential/commercial development and live/work space in village centers and on the periphery of the central commercial areas.

Outlook Roanoke Update, adopted by City Council as a component of Vision 2001-2020, the City's Comprehensive Plan, recommends several initiatives that include the restoration and adaptive re-use of vacant downtown buildings and the vacant upper floors of commercial buildings. Outlook Roanoke Update, like Vision 2001-2020, encourages the use of these buildings. Outlook Roanoke Update recommends a strategy of mixed-use development including a residential component within mixed-use buildings, either by way of adaptive re-use or new construction.

As part of the Jefferson Center Initiative, *Outlook Roanoke Update* specifically discusses development of the Cotton Mill, noting that this industrial structure is well suited to conversion to loft apartments, live/work units, or office space. Some form of residential development would help to create a connection between the neighborhood and the public functions at the Jefferson Center, the proposed YMCA building, and the heart of downtown.

Because of surrounding uses and the opportunity for the redevelopment and adaptive reuse of a vacant industrial structure, the proposed change in zoning is a reasonable development strategy that is consistent with the recommendations of the Comprehensive Plan and one of its downtown component, *Outlook Roanoke Update*. This proposal is in an ideal project in terms of compliance with *Vision 2001-2020's* recommendations for adaptive reuse of vacant industrial structures, the provision of downtown living space, and the concept of mixed-use development.

No one has contacted the planning staff in opposition to this petition. Letters of support for the petition have been received from the Board of Directors of the YMCA of the Roanoke Valley, Collegiate Pacific, Jefferson Center, and Kazim Shriners and Calvary Baptist. Copies are attached.

Recommendation:

By a vote of 6-0 (Mr. Hill absent), the Commission recommends that City Council approve the rezoning request. Given the development and success of the Jefferson Center, the need to connect the Old Southwest neighborhood with the downtown, the potential to provide desired downtown residential units and live/work space, and the need to solidify an anchor for the western edge of downtown, this rezoning request is an appropriate and desirable use of these properties.

Respectfully submitted,

Robert B. Manetta, Chairman

Robert Manetta

Roanoke City Planning Commission

attachments

cc: Darlene L. Burcham, City Manager

Rolanda Johnson, Assistant City Manager for Community Development

William M. Hackworth, City Attorney Steven J. Talevi, Assistant City Attorney

Attorney for the Petitioner

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

IN RE:

Rezoning approximately 1.34 acres consisting of five (5) tracts of land lying and being in the City of Roanoke, Virginia, and briefly described as:

Tax Map No. 1113305, 505 Sixth Street, S.W., Zoned LM
Tax Map No. 1113501, 0 Luck Avenue, S.W., Zoned LM
Tax Map No. 1113502, 0 Luck Avenue, S.W., Zoned LM
Tax Map No. 1113312, 0 Marshall Avenue, S.W., Zoned C-1
A portion of Tax Map No. 1113313, 0 Marshall Avenue, S.W., Zoned C-1

from LM (Light Manufacturing District) and C-1 (Office District) as above noted to C-3 (Central Business District).

PETITION

TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF ROANOKE:

The Petitioner, ASpace, LLC, a Virginia limited liability company ("ASpace"), owns the following properties in the City of Roanoke, Virginia,

Tax Map No. 1113305, 505 Sixth Street, S.W., Zoned LM
Tax Map No. 1113501, 0 Luck Avenue, S.W., Zoned LM
Tax Map No. 1113502, 0 Luck Avenue, S.W., Zoned LM
Tax Map No. 1113312, 0 Marshall Avenue, S.W., Zoned C-1
A portion of Tax Map No. 1113313, 0 Marshall Avenue, S.W., Zoned C-1

Said tracts are currently zoned either LM (Light Manufacturing District) or C-1 (Office District) as individually identified above. A map of the properties to be rezoned is attached as Exhibit A. A metes and bounds description of the portion of Official Tax No. 1113313 to be rezoned is attached hereto as Exhibit B.

The improvements on the property consist of an 83 year old heritage warehouse (located on Tax Map No. 1113305), sometimes referred to as the Cotton Mill. The other parcels included in

this petition, together with contiguous parcels owned by ASpace and already zoned C-3 are used as parking and no change in that use is envisioned.

A mixed use development is contemplated for the warehouse space, which was originally used as a manufacturing facility. Approximately half of the building will be occupied by artist studios and loft apartments. The rest of the property will support office and retail uses such as a café/bistro, photography studios, art shops, study groups, dance classes, craft stores, nature stores, outdoor stores, and professional offices.

ASpace believes that the rezoning of these said tracts of land will further the intent and purposes of the City's Zoning Ordinance, Vision 2001-2020 Comprehensive Plan, and the Outlook Roanoke Update. The Outlook Roanoke Update specifically discusses development of the Cotton Mill property as a component of the Jefferson Center Initiative. It notes that "this industrial structure is well suited to conversion to either loft apartments, live/work units or office space." It is this vision which the petitioner wishes to implement.

A concept plan showing the properties is attached as Exhibits C-1 and C-2.

Attached as Exhibit D are the names, addresses and tax numbers of the owners of all lots or properties immediately adjacent to, immediately across a street or road from the property to be rezoned.

WHEREFORE, ASpace, LLC requests that the above-described tracts be rezoned as requested in accordance with the provisions of the Zoning Ordinance of the City of Roanoke.

Respectfully submitted this 51%

day of June, 2002.

Respectfully submitted,

ASPACE, LLC, a Virginia limited liability company

Maryellen F. Goodlatte, Esq. Glenn, Feldmann, Darby & Goodlatte P. O. Box 2887 Roanoke, Virginia 24001-2887

(540) 224-8018 - Telephone (540) 224-8050 - Facsimile

ASpace, LLC, a Virginia limited liability company, owner of the property subject to this petition hereby consents to this rezoning petition.

ASP.	ACE, LLC				
By:_	Worth	H.	Boone,	Jr.,	Member

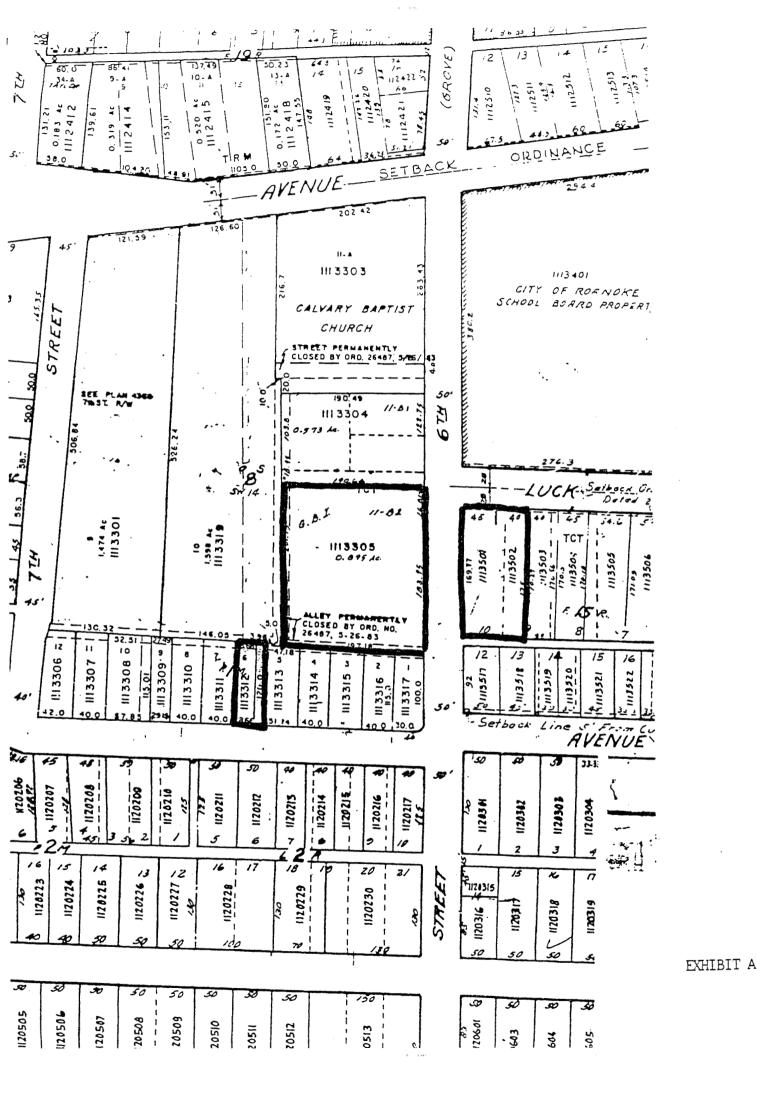


EXHIBIT B METES AND BOUNDS DESCRIPTION

A PORTION OF TAX PARCEL NUMBER 1113313

(A Portion of 1113313):

BEGINNING at a point on the northerly side of Marshall Avenue, said point being 277.66 feet, more or less, from the easterly side of 7th Street; thence continuing along the northerly side of Marshall Avenue in an easterly direction 11.14 feet to a point; thence leaving Marshall Avenue, and with the westerly side of the remaining land of Tax Parcel Number 1113313, in a northerly direction, 120 feet to a point; thence along the southerly side of Tax parcel Number 1113319, in a westerly direction, 11.14 feet to a point; thence in a southerly direction, along the easterly side of Tax Parcel Number 1113312 120 feet to a point, being the PLACE OF BEGINNING.

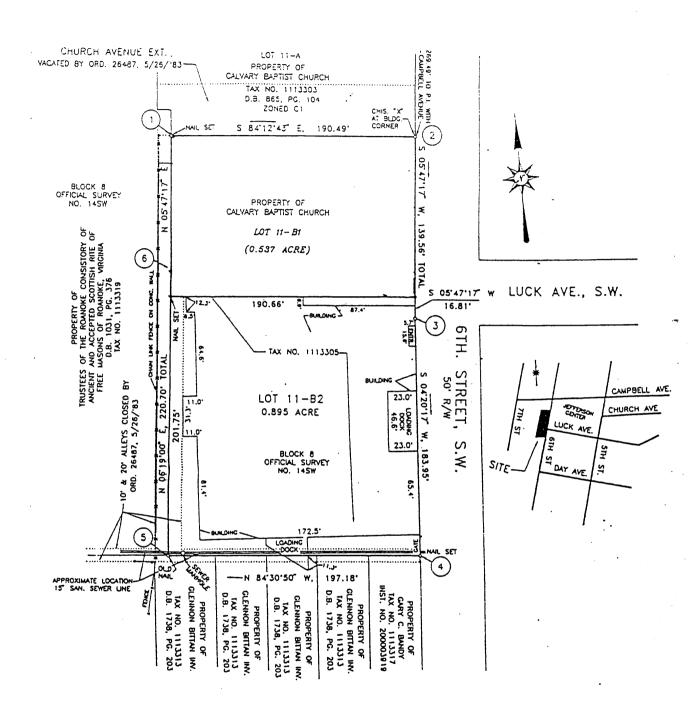


EXHIBIT C-1 (Improved Property)

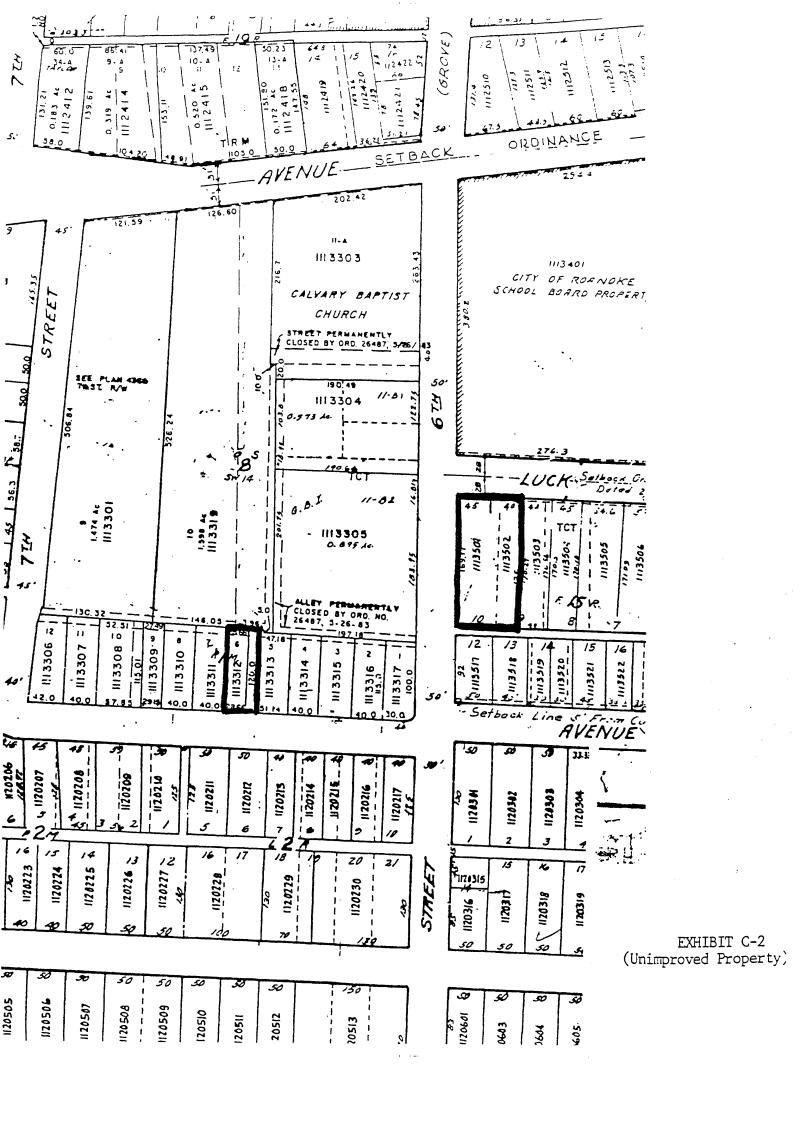


EXHIBIT D ADJOINING PROPERTY OWNERS

TAX PARCEL NUMBER 1113305 505 Sixth Street, S. W.

Tax Map Number	Owner(s)/Address
1113304	Trustees Calvary Baptist Church 608 Campbell Avenue, S.W. Roanoke, Virginia 24016
1113319	Trustees of the Roanoke Consistency of Ancient & Accepted Scottish Rite of Free Mason 625 Marshall Avenue, S.W. Roanoke, Virginia 24016
1113313 1113314 1113315 1113316 1113501	Aspace LLC 3219 Landmark Street, Suite 8B Greenville, North Carolina 27834
1113317 1113517	Gary C. Bandy 944 Kingston Road Wirtz, Virginia 24184
1113401	Roanoke City School Board Jefferson High School 215 Church Avenue, S.W., Room 250 Roanoke, Virginia 24011

TAX PARCELS NUMBERED 1113501 and 1113502 1 Luck Avenue, S.W.

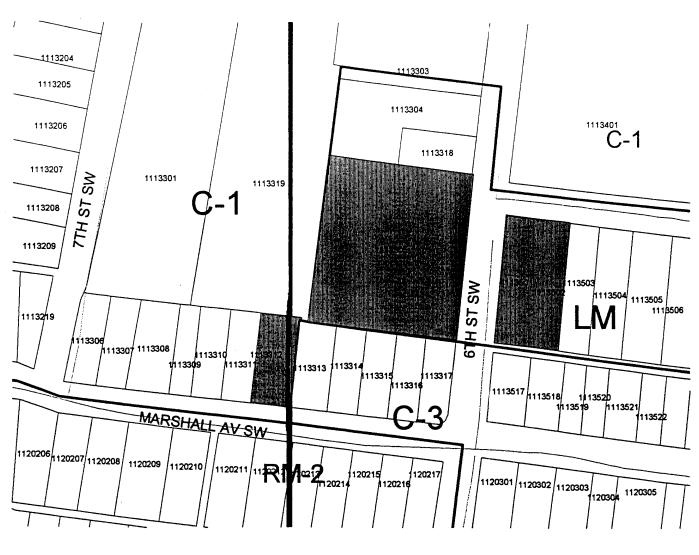
Tax Map Number	Owner(s)/Address
1113503	Five Thirty Two Group LC 532 Luck Avenue, S.W. Roanoke, Virginia 242011
1113401	Roanoke City School Board Jefferson High School 215 Church Avenue, S.W., Room 250 Roanoke, Virginia 24011
1113305 1113518	ASpace LLC 3219 Landmark Street, Suite 8B Greenville, North Carolina 27834
1113317 1113517	Gary C. Bandy 944 Kingston Road Wirtz, Virginia 24184

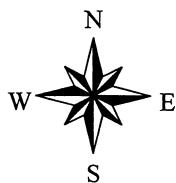
TAX PARCEL NUMBER 1113312 and A PORTION OF TAX PARCEL NUMBER 1113313 0 Marshall Avenue, S.W.

1 ax Map Number	Owner(s)/Address
1113319 1113311	Trustees of the Roanoke Consistency of Ancient & Accepted Scottish Rite of Free Mason 625 Marshall Avenue, S.W. Roanoke, Virginia 24016
1120211	Myrtle W. Craft 622 Marshall Avenue, S.W. Roanoke, Virginia 24016

1120212	Mary Elizabeth Hale 618 Marshall Avenue, S.W. Roanoke, Virginia 24016
1220213	James Edwin Robertson 616 marshall Avenue, S.W. Roanoke, Virginia 24016
1220214	Joseph A. Medina and Janet L. Medina c/o Moore & Company 897 Ashmead Road Moneta, Virginia 24121
1113314 1113305	ASpace LLC 3219 Landmark Street, Suite 8B Greenville, North Carolina 27834

Proposed Rezoning (Subject Properties cross-hatched)







YMCA of Roanoke Valley

We build strong kids, strong families, strong communities.

Corporate Office

P.O. Box 2130 (Zip 24009) 425 Church Avenue, S.W. Roanoke, Virginia 24016 Ph: (540) 342-9622

Fax: (540) 345-0730

Email: ymcaroanoke@aol.com

OFFICERS

J. W. Kirk, III President

W. Lee Wilhelm, III Vice President

Donald G. Smith Vice President

William O. Sparrow Secretary

Gilbert W. McGeorge, Jr. Treasurer

J. Spencer Frantz Past President

BOARD OF DIRECTORS

Houston L. Bell, Jr. Abney S. Boxley, III James Gill Breakell

John Carlin Robert P. Fralin

J. Randolph Garrett, III

E. Wayne Harris, Ed.D.

Don J. Harrison

Alphonzo L. Holland, Sr.

Sarah Huddle

Jay W. Langhammer

William C. Laub Robert C. Lawson, Jr.

Alexander I. Saunders

Phillip A. Short

Phillip F. Sparks

Diane McQ. Strickland

John Walker Willie Wilhelm

John B. Williamson, III

David D. Willis Wendy Zomparelli

F. Cal Johnson Executive Director June 13, 2002

Members, Roanoke City Planning Commission

C/o Ms. Nancy Snodgrass, Planner

215 Church Avenue, SW

Municipal Building, Room 162

Roanoke, VA 24011

Dear Members of the Planning Commission:

On behalf of the Board of Directors of the YMCA of Roanoke Valley, I want to express our enthusiastic support of the rezoning petition filed by ASpace, LLC. As a neighbor on the western end of downtown, we are excited about their plans to develop the Cotton Mill property.

With the success of the Jefferson Center and our new facility beginning construction this fall, the Cotton Mill adds a new and vibrant piece to the development of our neighborhood. It is reflective of our commitment to enhancing the quality of life and the economic development of downtown Roanoke.

Thank you for your consideration of this very worthwhile request.

Sincerely

T. Cal Johnson
Executive Director

Cc: Members of the Roanoke City Council

RECEIVED

JUN 2 1 2002

Planning



RECEIVED

JUL 0 9 2002

KAZIM SHRINERS

CITY OF ROANOKE PLANNING BUILDING AND DEVELOPMENT

628 WEST CAMPBELL AVENUE • ROANOKE, VIRGINIA 24016-3596 (540) 344-9306 • FAX: (540) 343-9967

ROBERT L. BOITNOTT POTENTATE 2002

DONALD L GAPLOCK PEDDRDER

July 8, 2002

Members, Roanoke City Planning Commission c/o Ms. Nancy Snodgrass, Planner 215 Church Avenue, S.W. Municipal Building, Room 162 Roanoke, VA 24011

Re: Rezoning Request: ASpace, LLC

Dear Members of the Planning Commission:

As a neighbor of the Cotton Mill property, the Kazim Shriners give their support to the rezoning petition of ASpace, LLC.

Sincerley,

Robert L. Boitnott Potentate 2002

July 8, 2002

Members, Roanoke City Planning Commission c/o Ms. Nancy Snodgrass, Planner 215 Church Avenue, S.W. Municipal Building, Room162 Roanoke, Virginia 24011

Dear Members of the Planning Commission:

Let it be known that William R. Webster and Charles W. Atkins the owners of the property at 532 Luck Avenue and the proprietors of a business Wool Felt Products at the same address are aware and in support of my neighbor's petition to rezone his properties into a C-3 classification. We think ASpace LLC is making a firm investment into this neighborhood. Their planned utilization and usage of their properties are compatible with our vision and current use of our property. We applaud the diversification this development will bring to the Western edge of Downtown development. We are in full support of this petition request.

Sincerely yours,

William R. Webster and Charles W. Atkins

ខ្លាស់ មេខាស់ ស្រាស់ ស្រាស់ ស្រាស់ ខ្លាស់ ខ្លាស់ ស្រាស់ ស្រាស់ ស្រាស់ ស្រាស់ ស្រាស់ ស្រាស់ ស្រាស់ ស្រាស់ ស្រាស

William Clail Al Iften

Owners

RECEIVED

CITY OF ROANOKE
PLANNING BUILDING AND DEVELOPMENT

Phone: 540-981-0281 • Fax: 540-981-0337 • e-mail: pennants@collegiatepacific.com • www.collegiatepacific.com a Division of Wool Felt Products

eni, angli at lite inag nu spils or systemer gerkinkeess systemis



BOARD OF DIRECTORS

J. Tyler Pugh Chairman

Janet P. Burrow
President & CEO

James W. Arend James Atkinson Thomas H. Bagby

John W. Boyle, Jr.

Warner Dalhouse Walter M. Dixon

Edward Dunbar Helen C. Fitzpatrick

W. Heywood Fralin Edwin C. Hall

John G. Heitz Carol Jarratt

Mary Ann Johnson Heidi F. Krisch

William L. Lee
Nan Mahone

Charlotte Porterfield Donald G. Smith

Maury L. Strauss Richard S. Whitney, Jr.

Gordon C. Willis, Sr.

July 8, 2002

Members, Roanoke City Planning Commission c/o Ms. Nancy Snodgrass, Planner 215 Church Avenue, SW Municipal Building, Room 162 Roanoke, VA 24011 RECEIVED

JUL 1 0 2002

CITY OF ROANOKE
PLANNING BUILDING AND DEVELOPMENT

RE: Rezoning Request: ASpace, LLC

Dear Members of the Planning Commission:

As one of the closest neighbors of the Cotton Mill property, the Jefferson Center enthusiastically supports the rezoning petition of ASpace, LLC. We look forward to working with ASpace as it develops the Cotton Mill property.

We at the Jefferson Center are excited about the future of our neighborhood as envisioned in the recent Outlook update. We are pleased that ASpace, LLC, is acting upon the vision for the Cotton Mill property outlined in that new downtown plan. Having another vibrant space in our section of downtown can only enhance Jefferson Center's mission and add to the energy of downtown Roanoke.

Although I may not be able to attend the public hearing on July 18th when you consider this request, please accept this letter as evidence of our wholehearted support for the rezoning request of ASpace, LLC.

Very truly yours,

// Janet Burrow, President & CEO

JB/rt

Cc:

Darlene Burcham, Roanoke City Manager Roanoke City Council Members

arma, ur on the vision for though on the Salt. Four Arabay specifies stipunt specific outsi Milliour Oppials mission undustrictibeld

541 Luck Avenue, SW, Suite 221 Roanoke, Virginia 24016 P: 540-343-2624

F: 540-343-3744 info@jeffcenter.org www.jeffcenter.org



"A. Wayne Lewis"
<wlewis@myvalleyban
k.com>

Subject: ASpace Rezoning Request

To: <Nancy_Snodgrass@ci.roanoke.va.us>

07/09/2002 10:22 AM Please respond to wlewis

Members, Roanoke City Planning Commission c/o Ms. Nancy Snodgrass, Planner 215 Church Avenue, SW Municipal Building, Room 162 Roanoke, VA 24011

Dear Planning Commission Members:

I am writing in my capacity as Chairman of the Stewardship Committee of Calvary Baptist Church, whose property is adjacent to the Cotton Mill building on Sixth Street in Old Southwest. It is my understanding that ASpace, LLC has filed a petition to have the Cotton Mill tract rezoned, and that this petition will be considered by the Commission at its next meeting.

Calvary enthusiastically supports the requested rezoning of the Cotton Mill property, which will make the neighborhood safer and more attractive and protect Calvary's substantial investment in its own properties. Aspace is working to develop the Cotton Mill consistent with the recent Outlook Update, and their successful implementation of that vision could well have a revitalization benefit to the immediate neighborhood second only to The Jefferson Center. Another dynamic organization drawing visitors into the neighborhood can only add to the overall health of broader downtown Roanoke. The requested zoning is a "lighter" zoning than the current one, and will be a "win/win" situation for all concerned.

If I am unable to attend the public hearing on July 18 when you consider this matter, please accept this e-mail as evidence of Calvary's full support for the rezoning request of ASpace, LLC. I also support it personally as a City resident and professionally as a banker interested in economic revitalization.

A. Wayne Lewis
Executive Vice President/COO
Valley Bank
36 West Church Avenue
Roanoke, VA 24011
(540) 342-2265
(540) 342-4514 FAX
wlewis@myvalleybank.com



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 111, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City; and dispensing with the second reading of this ordinance by title.

WHEREAS, ASpace, LLC has made application to the Council of the City of Roanoke to have the hereinafter described property rezoned from LM, Light Manufacturing District, and C-2, General Commercial District, to C-3, Central Business District; and

WHEREAS, the City Planning Commission, which after giving proper notice to all concerned as required by §36.1-693, Code of the City of Roanoke (1979), as amended, and after conducting a public hearing on the matter, has made its recommendation to Council; and

WHEREAS, a public hearing was held by City Council on said application at its meeting on August 19, 2002, after due and timely notice thereof as required by §36.1-693, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were given an opportunity to be heard, both for and against the proposed rezoning; and

WHEREAS, this Council, after considering the aforesaid application, the recommendation made to the Council by the Planning Commission, the City's Comprehensive Plan, and the matters presented at the public hearing, is of the opinion that

the hereinafter described property should be rezoned as herein provided.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that:

1. Section 36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet

No. 111 of the Sectional 1976 Zone Map, City of Roanoke, be amended in the following

particular and no other:

A tract of land containing 1.34 acres consisting of five tracts of land described as Tax

Map No. 1113305, 505 Sixth Street, S.W., Tax Map No. 1113501, 0 Luck Avenue, S.W.,

Tax Map No. 1113502, 0 Luck Avenue, S.W., are hereby rezoned from LM, Light

Manufacturing District, to C-3, Central Business District, as set forth in the Petition filed in

the Office of the City Clerk on June 5, 2002, and that Sheet No. 111 of the Zone Map be

changed in this respect; and Tax Map No. 1113312, 0 Marshall Avenue, S.W., and a portion

of Tax Map No. 1113313, 0 Marshall Avenue, S.W., are hereby rezoned from C-1, Office

District, to C-3, Central Business District, as set forth in the Petition filed in the Office of the

City Clerk on June 5, 2002, and that Sheet No. 111 of the Zone Map be changed in this

respect.

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading

of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

H:\ORDINANCES\O-REZ-ASPACE(081902).DOC

CO ROAD

Architectural Review Board Board of Zoning Appeals Planning Commission

CITY OF ROANOKE PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166 Roanoke, Virginia 24011 Telephone: (540) 853-1730 Fax: (540) 853-1230 E-mail: planning@ci.roanoke.va.us

August 19, 2002

Honorable Ralph K. Smith, Mayor Honorable C. Nelson Harris, Vice Mayor Honorable William H. Carder, Council Member Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable William D. Bestpitch, Council Member Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Request from Cesar Dominguez to repeal and replace proffered

conditions for property at 325 Jefferson Street, N.E., bearing Official

Tax No. 3012801.

Planning Commission Action:

Planning Commission public hearing was held on Thursday, July 18, 2002. By a vote of 6-0 (Mr. Hill absent), the Commission voted to recommend approval of the amended proffered conditions.

Background:

On April 16, 2002, City Council approved a rezoning of the subject property from RM-2 to C-3, subject to the following conditions:

- The existing building will be rehabilitated and reused for uses provided for within the C-3, Central Business District. The existing shed in the rear of the property will be removed.
- 2. There will be no sale of alcohol permitted in conjunction with any use of property.

The petitioner later reconsidered the first proffer that specified removal of the shed in the rear of the property. The petitioner requests that the conditions proffered and approved by Ordinance No. 35817-041502 be repealed and replaced with the proffers set out below.

- 1. The existing 2-story building will be rehabilitated and reused for uses provided for within the C-3, Central Business District.
- 2. There will be no sale of alcohol permitted in conjunction with any use of property.

The Planning Commission held a public hearing on Thursday, July 18, 2002. Mr. Tom Schewendeman (project manager) presented the request stating that he had would like to retain the accessory buildings. Mr. Jacques Scott, City Planner presented the staff report, recommending approval of the amended conditions. No citizens spoke in favor of or in opposition to the request. Mr. Steve Talevi, Assistant City Attorney, suggested that the first condition be reworded to make reference to the two-story building to clarify which building would be retained and the petitioner agreed to amend the proffered condition.

Considerations:

The subject property is located on the corner of Jefferson Street and Gilmer Avenue and is subject to the H-2, Neighborhood Preservation District overlay. The building is vacant and has been uninhabited for over eight years. In the past, the commercial building was the location of the Moses Store and an upstairs apartment where the owners lived. The shed is located to the rear of the property and faces Gilmer Avenue. The amendment of the proffered conditions will give the owner the option of retaining and rehabilitating the accessory buildings or demolishing the accessory building, with approval by the Architectural Review Board.

Vision 2001-2020, the City's Comprehensive Plan, recommends that:

• Cultural and Historic resources – Roanoke will identify, preserve and protect its historic districts, landmark features, historic structures and archaeological sites.

Neighborhood residents have been contacted and expressed no comments.

Recommendation:

By a vote of 6-0, the Planning Commission recommended that City Council accept the amended proffered conditions.

Respectfully submitted,

Robert B. Manetta, Chairman Roanoke City Planning Commission

Robert Frankta

attachments

cc: Darlene L. Burcham, City Manager
Rolanda Johnson, Assistant City Manager for Community Development
William M. Hackworth, City Attorney
Steven J. Talevi, Assistant City Attorney
Cesar Dominguez, Petitioner
Evelyn Bethel, President, Historic Gainsboro Preservation District, Inc.

V. Lee Wolfe, President, Gainsboro Neighborhood Alliance George H. R. Heller, President, Gainsborough Southwest Community Organization

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

IN RE:

First amendment of Proffered Condition at 325

Jefferson Street, N.E., Tax Map No. 3012801

) FIRST AMENDMENT OF

) PROFFERED CONDITION

TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF ROANOKE:

The petitioner, Cesar Dominguez, is owner of land in the City of Roanoke containing .25 Acres, more or less, located at 325 Jefferson Street, N.E., Tax Map No. 3012801. Said tract is currently zoned C-3, Central Business District, with conditions. A map of the property is attached as Exhibit A.

Pursuant to Section 36.1-960, Code of the City of Roanoke (1979), as amended, the Petitioner requests that the conditions proffered and approved by Ordinance No. 35817-041502 be repealed and replaced with the proffers set out below.

- The existing 2-story building will be rehabilitated and reused for uses provided for within the C-3, Central Business District.
- 2. There will be no sale of alcohol permitted in conjunction with any use of the property.

The Petitioner believes this amendment will further the intent and purposes of the City's Zoning Ordinance and its comprehensive plan, in that it will enhance the quality of the neighborhood and revitalize a neglected vacant property.

Attached as Exhibit B are the names, addresses and tax numbers of the owner or owners of all lots or property immediately adjacent to and immediately across a street or road from the 325 Jefferson Street, N.E.

WHEREFORE, the Petitioner requests that the amendment be approved in accordance with the provisions of the Zoning Ordinance of the City of Roanoke.

Respectfully submitted this 25th day of July, 2002.

Respectfully submitted,

Зу: ___*(*

Cesar Dominguez 512 McDonald Drive Vinton, VA 24179

H: 981-0980 C: 556-2613

# 150/26/6			C-3		2011901
1-3012846 NOD 8 3011432 0 3011414 8 M	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	BE DESCRIED	30/28/6 30/28/8	CHUNCH 125.0 12	3011401 3 2011402 2 2011402 2 2011404 3 0011404 3 0011405 3 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 301, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City, subject to certain conditions proffered by the applicant; and dispensing with the second reading of this ordinance by title.

WHEREAS, Cesar Dominguez, has made application to the Council of the City of Roanoke to repeal and replace proffered conditions set forth in Ordinance No. 35817-041502 presently binding on Official Tax No. 3012801, with new proffered conditions; and

WHEREAS, the City Planning Commission, which after giving proper notice to all concerned as required by §36.1-693, Code of the City of Roanoke (1979), as amended, and after conducting a public hearing on the matter, has made its recommendation to Council; and

WHEREAS, a public hearing was held by City Council on said application at its meeting on August 19, 2002, after due and timely notice thereof as required by §36.1-693, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were given an opportunity to be heard, both for and against the proposed; and

WHEREAS, this Council, after considering the aforesaid application, the recommendation made to the Council by the Planning Commission, the City's Comprehensive Plan, and the matters presented at the public hearing, is of the opinion that

the proffers currently binding on the subject property be amended as herein provided.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that:

1. Section 36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet

No. 301 of the Sectional 1976 Zone Map, City of Roanoke, be amended in the following

particular and no other:

That the proffers currently binding on that tract of land lying in the City of Roanoke,

located at 325 Jefferson Street, N. E., and designated on Sheet No. 301 of the Sectional 1976

Zone Map, City of Roanoke, known as Official Tax No. 3012801, pursuant to Ordinance No.

35817-041502, be repealed and replaced with the proffers contained in the First Amended

Petition filed in the Office of the City Clerk on July 29, 2002, that Ordinance No. 35817-

041502 be amended in this respect, and that Sheet No. 301 of the Zone Map be changed in

this respect.

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading

of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

ST EQUIPMENT OF THE PARTY OF TH

Architectural Review Board Board of Zoning Appeals Planning Commission

CITY OF ROANOKE PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166 Roanoke, Virginia 24011 Telephone: (540) 853-1730 Fax: (540) 853-1230 E-mail: planning@ci.roanoke.va.us

August 19, 2002

Honorable Ralph K. Smith, Mayor Honorable C. Nelson Harris, Vice Mayor Honorable William H. Carder, Council Member Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable William D. Bestpitch, Council Member Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject:

Request from Cape Town, LC and Steven W. Morris, represented by Daniel F. Layman, Jr., attorney, that two tracts of land located on the southwest side of Roberts Road, S.W., designated as Official Tax No. 1290212 and 1290211 (2918 and 2924 Roberts Road respectively), be rezoned from RS-3, Residential Single Family District, to C-1, Office District, with conditions.

Planning Commission Action:

Planning Commission public hearing was held on Thursday, July 18, 2002. The petitioner's attorney agreed to amend the second proffer to include clubs, lodges and fraternal organizations, medical laboratories, and public parking lots and structures. By a vote of 6-0 (Mr. Hill absent), the Commission voted to recommend the petition, as amended.

Background:

A petition to rezone the two properties on Roberts Road, S.W. (Official Tax Numbers 1290212 and 1290211) from RS-3, Residential Single Family, to C-1, Office District, was filed on February 7, 2002. A First Amended Petition to Rezone was filed on March 6, 2002. A Second Amended Petition to Rezone was filed on March 12, 2002. The Planning Commission heard the request on March 21, 2002, and recommended denial. City Council heard the request on May 20, 2002, and referred the request back to the Planning Commission. Following the

City Council hearing, a Third Amended Petition to Rezone the subject properties from RS-3, Residential Single Family, to C-1, Office District, with conditions, was filed on June 6, 2002. Following the Commission meeting on July 18th, a Fourth Amended Petition was filed with the following proffered conditions:

- 1. With the exception of ordinary maintenance and the addition of any ramps or other similar structures as may be necessary to satisfy the requirements of applicable laws such as the Americans with Disabilities Act, the exteriors of the residential structures presently located on both of these lots will remain the same as they are on the date of this petition, without material exterior modification or addition.
- 2. Neither of the properties, nor any part of either of them, shall be used as a trade or vocational school of an industrial nature, medical clinic, medical office, or funeral home, club, lodge and fraternal organization, medical laboratory, or public parking lot and structure.

The subject lots contain a total of 26,092 square feet or 0.599 acres. The property designated as Official Tax Number 1290212 consists of 11,492 square feet with an average lot width of 68 feet and depth of 169 feet. The property identified as Official Tax Number 1290211 contains 14,600 square feet with an average lot width of 100 feet and depth of 146 feet.

There is a single-family house, recently improved by the petitioners, on each of the subject properties. There is a row of trees between the first (Official Tax Number 1290212) and second properties (Official Tax Number 1290211) and a row of mature white pine trees between the second subject property and the adjacent lot farther into the neighborhood (Official Tax Number 1290210).

There have been several changes in land use and zoning in this area in recent years.

- The tract of land directly across Roberts Road from the subject properties, Official Tax Number 128062 and formerly Moore's Lumber, was rezoned from LM, Light Manufacturing, to C-2, General Commercial, in 2000. In 2001, the property was rezoned from C-2, General Commercial, to LM, Light Manufacturing (conditional), for its current use by Carilion as a laundry and food preparation facility.
- In 2000, proffers were amended that were part of a 1988 conditional rezoning from RS-3, Residential Single Family, to C-2, General Commercial, for Piccadilly Square Shopping Center. This amendment allowed for development of a warehouse, accessory to a retail space housed in Piccadilly Square. The tract rezoned in 1988 abuts the rear of three properties on Roberts Road and three on Beechwood Drive.

Additional parking for Piccadilly Square is located on Tax Number 1290117 which fronts on Beechwood Drive.

Planning Commission held a public hearing on the rezoning request on July 18, 2002. Mr. Daniel Layman, counsel for the petitioner, presented the request. Mrs. Nancy Snodgrass, City Planner, presented the staff report. Staff recommended approval citing the following reasons:

- The proposed change in use with conditions is a reasonable development strategy that is consistent with the Comprehensive Plan;
- The residential use of the subject properties has been negatively impacted by the surrounding commercial and light manufacturing land uses;
- The orientation of the second subject house toward Franklin Road and a the tree line between it and the balance of the neighborhood creates a natural division in the layout of the neighborhood;
- C-1, Office District, permitted uses, particularly as limited by the proffered conditions, are appropriate uses of the subject properties; and
- The requested rezoning change, with retention of the residential structures, provides a reasonable approach to buffering the residential neighborhood from existing intensive commercial uses.

The Planning Commission opened the meeting for public comment. Mr. Charles Helms of 2951 Roberts Road spoke in opposition to the rezoning request. Mr. Helms, who owns three additional properties in the neighborhood, cited the following:

- Wanted to know why the Planning Commission is rehearing the request;
- Heavy impact of truck traffic and noise on the neighborhood from nearby existing commercial and light manufacturing uses;
- Availability of commercial office space;
- Petition in opposition to the previous rezoning request filed with the Planning Commission at public hearing in March 2002; and
- Questioned trees shown on concept plan.

Ms. Snyder, formerly of 2930 Roberts Road, spoke in favor of the petition. She cited the following:

- The owners of the subject properties have improved the properties and the neighborhood; and
- The noise from the Carilion facility across Roberts Road and the commercial establishments on Franklin Road is unbearable.

Planning Commission discussion included the following:

• The Commission asked Mr. Layman if the petitioner would be willing to amend the petition to exclude certain C-1, Office District, special exception

uses. Mr. Layman agreed to and has filed an amended petition to exclude the uses of clubs, lodges and fraternal organizations; medical laboratories; and public parking lots and structures.

- A staff survey of commercial office space in the area indicated little to no vacancies;
- Clarified that the trees shown on the concept map are both existing and proposed; and
- If the rezoning is approved, the zoning ordinance requires a 10-foot wide landscape buffer screen to be planted and maintained on the subject properties where they abut a residential zoning district.

Considerations:

Both existing structures on the two subject properties will remain. A one-story aluminum sided residential structure built in 1948 and assessed at \$40,200 is located on Official Tax Number 1290212. The one-story with basement brick veneer residential structure on Official Tax Number 1290211 was built in 1945 and is assessed at \$54,800.

The petitioner has proffered a limitation on the C-1, Office District, permitted uses of the properties. Neither of the properties, nor any part of either of them, shall be used as a trade or vocational school of an industrial nature, medical clinic, medical office, or funeral home. The following special exception uses are not permitted per the conditions: clubs, lodges and fraternal organizations, medical laboratories, and public parking lots and structures.

The subject lots abut C-2, General Commercial District, properties along the frontage of Franklin Road. The subject lots are also directly across Roberts Road from property zoned LM, Light Manufacturing-Conditional, currently used by Carilion for a 24-hour operation of a laundry and food preparation facility. The subject properties are directly opposite the parking lot, including an access point, for the Carilion facility. The property abutting the Carilion property to the north is zoned C-1, Office District. Zoning directly west and north of the subject properties is RS-3, Residential Single Family District.

A survey of land uses on Franklin Road between Avenham and Broadway/Wonju indicates the following existing commercial office uses:

- A 1-story (4,000 sq. ft.) mixed office building currently occupied by professionals such as dentist and optometrist;
- A 1-story (3,374 sq. ft.) mixed commercial office building (C-1, Office District);
- A 2-story (8,150 sq. ft.) building currently housing an eye clinic (C-1, Office District);
- A 2-story (4,000 sq. ft. on ground floor and 4,000 sq. ft. on second floor) mixed use building including offices;

- A 1-story (13,567 sq. ft.) building currently housing a medical clinic (C-2, General Commercial District); and
- A 1-story (12,436 sq. ft.) mixed commercial office building currently used as a medical center (C-2, General Commercial District).

The subject properties have no visual barrier from the Carilion parking lot across the street. Because of their location directly across Roberts Road from the access to the parking lot, the subject properties are impacted by traffic from all 3 shifts, 24 hours a day. The structure on Official Tax Number 1290211 is oriented toward Franklin Road and faces a restaurant parking lot.

All houses on Roberts Road beyond the subject properties face Roberts Road with consistent setbacks. The houses in the neighborhood that are opposite the Carilion facility, beyond the subject properties, face the side of the building that is screened by large, dense mature pine trees. Those houses are located beyond the access point to the Carilion parking lot so they, unlike the subject properties, are not directly affected by the traffic generated by the Carilion employees.

The extension of the subject properties along the frontage of Roberts Road is equal to the depth of the Carilion parking lot. Given the depth of the Carilion parking lot, the orientation of the house on the second subject property, the intensive commercial uses along Franklin Road, and the access point for the Carilion parking lot, the subject properties represent a transitional area. The petitioner's request for the C-1 zoning designation, with conditions that exclude certain uses, allows for an appropriate transitional use buffer between the more intensive Franklin Road commercial corridor and the balance of the neighborhood.

The intent of the C-1, Office District, is to preserve the existing residential character of neighborhoods and their viability by allowing limited commercial uses in appropriate existing or new structures. Retention of the residential structures maintains the residential scale of the street. Furthermore, the row of mature white pine trees between the subject properties and the rest of the neighborhood creates a natural division within the layout of the neighborhood.

As mandated by the development regulations in the zoning ordinance, a 10' wide landscaped buffer would be required on the subject properties where they abut a residential zone to provide a dense, year round visual and noise obstruction. Lighting for parking areas would be required to be screened from adjacent residential properties.

The City Traffic Engineer foresees no significant traffic impact on the neighborhood given the permitted uses, size of the existing structures and lots, and the fact that access to the subject properties does not require traveling through the balance of the neighborhood.

Vision 2001-2020, the City's Comprehensive Plan, includes the following recommendations for land use and development:

- 1. Commercial Development: Roanoke will encourage commercial development in appropriate areas. The Franklin Road corridor is shown as a predominantly commercial and industrial land use area.
- 2. Economic Development: Visual conflicts between residential and commercial uses along commercial strips are common. Redevelopment of areas identified for industrial, commercial or mixed use development should be explored.

Because of existing commercial and manufacturing zoning and the impact on the subject properties, the proposed change in use with conditions is a reasonable development strategy that is consistent with the Comprehensive Plan.

At the Planning Commision hearing on the Second Amended Petition filed in March 2002, a petition from residents on Roberts Road and Beechwood Drive was filed in opposition of the request. Since the filing of the Third Amended Petition, one property owner has contacted the planning staff to express objections to the rezoning request. Mr. Helms of 2951 Roberts Road (Official Tax Number 1290403) who also owns three other properties in the neighborhood (Official Tax Numbers 1290210, 1290207, and 1290303) contacted staff by phone to discuss the request and express his opposition to the rezoning. His concerns include the encroachment of commercial uses upon the residential neighborhood, traffic and parking, noise, trash, and a lack of need for additional office space.

Recommendation:

Roll call vote was taken on the amended petition and the Commission recommended City Council approve the amended petition (6-0, Mr. Hill absent). Given the adjacent land uses and zoning patterns, C-1, Office District, permitted uses, particularly as limited by the proffered conditions, are appropriate uses of the subject properties. The requested zoning change, with retention of the residential structures, provides a reasonable approach to buffering the residential neighborhood from existing intensive commercial uses.

Respectfully submitted,

Robert B. Manetta, Chairman

Rabut Manetta

City of Roanoke Planning Commission

attachments

CC:

Darlene L. Burcham, City Manager Rolanda Johnson, Assistant City Manager for Community Development

William M. Hackworth, City Attorney
Steven J. Talevi, Assistant City Attorney
Daniel F. Layman, Attorney for the Petitioner

VIRGINIA:

IN THE COUNCIL OF THE CITY OF ROANOKE

In re:	Rezoning of Two Tracts of Land)	FOURTH
	Located on the Southwest Side of)	AMENDED
	Roberts Road, comprising)	PETITION
	(1) the lot bearing Official Tax No.)	TO REZONE
	1290212 and (2) the lot bearing)	OF
	Official Tax No. 1290211, from)	CAPE TOWN, LC and
	RS-3, Residential Single-Family)	STEVEN W. MORRIS
	District, to C-1, Office District)	

TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF ROANOKE:

- (1) Petitioners Cape Town, LC and Steven W. Morris (who is a member in Cape Town, LC) are the owners of two tracts of land in the City of Roanoke located on the southwest side of Roberts Road, near its intersection with Franklin Road, SW, bearing, respectively, City of Roanoke Official Tax Nos. 1290212 and 1290211. A portion of City Appraisal Map Number 129 showing these parcels is attached to this petition as Exhibit A.
 - (2) Both of these lots are presently zoned RS-3, Residential Single-Family District.
- (3) Pursuant to Section 36.1-690, Code of the City of Roanoke (1979), as amended, petitioners request that the above-described parcels be rezoned from RS-3, Residential Single-Family District, to C-1, Office District, subject to the conditions set forth in paragraph (6) below.

RKE# 0759065.WPD C/M: 105267-00001-01

- properties along the Franklin Road frontage and just across Roberts Road from a large commercially-zoned tract now owned by Carilion Services, Inc., which is the site of Carilion's new central laundry and kitchen facilities, a 24-hour per day, 7-day per week operation. Both lots are substantially impacted by these adjacent commercial uses, and their desirability for residential use is accordingly materially reduced. Petitioners believe that the requested zoning change will afford an opportunity for use of these lots in a manner more consistent with their immediate surroundings and will at the same time allow them to continue serving as a buffer between the adjacent intensive commercial uses and the remainder of the residential neighborhood to the northwest.
- (5) Presently there is a single-family home on each of the lots. Petitioners have substantially improved each of these homes. Attached to this petition as Exhibit B are plats of each lot showing the existing homes and the drives and parking areas serving each.
- (6) Petitioners hereby proffer and agree that if these two properties are rezoned as requested, the rezoning will be subject to, and each of the petitioners will abide by, the following conditions:
- (a) With the exception of ordinary maintenance and the addition of any ramps or other similar structures as may be necessary to satisfy the requirements of applicable laws such as the Americans with Disabilities Act, the exteriors of the residential structures presently located

on both of these lots will remain the same as they are on the date of this petition, without material

exterior modification or addition.

(b) Neither of the properties, nor any part of either of them, shall be used as a

trade or vocational school of an industrial nature, medical clinic, medical office, funeral home,

club, lodge and fraternal organization, medical laboratory, or public parking lot and structure.

(7) Attached to this petition as Exhibit C is a list of the names and addresses of the

owners of all lots immediately adjacent to or across a street from the property to be rezoned,

together with the Official Tax Number of each lot.

WHEREFORE, petitioners request that the parcels bearing City of Roanoke Official Tax

Nos. 1290211 and 1290212 be rezoned from RS-3 to C-1, with conditions, in accordance with

the provisions of the Zoning Ordinance of the City of Roanoke.

Respectfully submitted by petitioners this 29th day of July, 2002.

CAPE TOWN, LC

Its Manage

Staven XI Mamis

Daniel F. Layman, Jr.

Woods, Rogers & Hazlegrove, P.L.C.

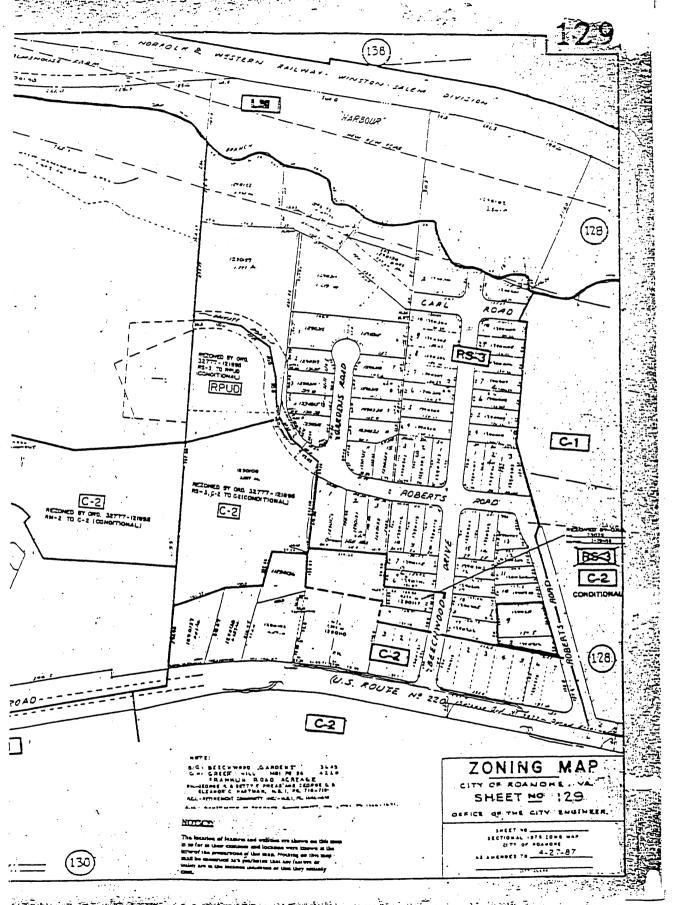
P. O. Box 14125

Roanoke, VA 24038-4125

(703) 983-7653

Of Counsel for the Petitioners





Exhibit

129-02-11

* 15253

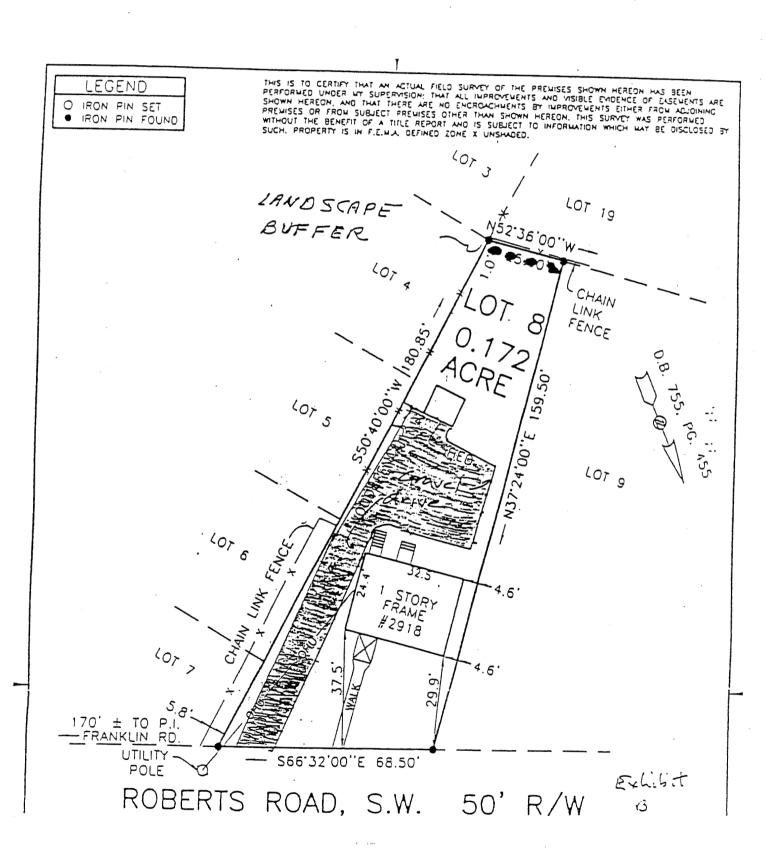


EXHIBIT C

Petition of Cape Town, LC and Steven W. Morris

Adjacent Property Owners

Tax Number	Owner
1290218	Horace Fralin LLC P. O. Box 20069 Roanoke, VA 24018
1290213	Shih Lo Hsing et al. 410 Willow Oak Dr. Roanoke, VA 24014
1290206	Charles T. and Paula R. Mason 915 Beechwood Dr. Roanoke, VA 24014
1290205	John Hall 919 Beechwood Dr. Roanoke, VA 24014
1290210	Charles B. and Christine J. Helms 2951 Roberts Road Roanoke, VA 24014
1280602	Carilion Services, Inc. 213 South Jefferson St. Roanoke, VA 24011



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 129, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City, subject to certain conditions proffered by the applicant; and dispensing with the second reading of this ordinance by title.

WHEREAS, Cape Town, L.C. and Steven W. Morris, have made application to the Council of the City of Roanoke to have the hereinafter described property rezoned from RS-3, Residential Single-Family District, to C-1, Office District, subject to certain conditions proffered by the applicant; and

WHEREAS, the City Planning Commission, which after giving proper notice to all concerned as required by §36.1-693, Code of the City of Roanoke (1979), as amended, and after conducting a public hearing on the matter, has made its recommendation to Council; and

WHEREAS, a public hearing was held by City Council on said application at its meeting on August 19, 2002, after due and timely notice thereof as required by §36.1-693, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were given an opportunity to be heard, both for and against the proposed rezoning; and

WHEREAS, this Council, after considering the aforesaid application, the recommendation made to the Council by the Planning Commission, the City's Comprehensive Plan, and the matters presented at the public hearing, is of the opinion that the hereinafter described property should be rezoned as herein provided.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that:

1. Section 36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 129 of the Sectional 1976 Zone Map, City of Roanoke, be amended in the following particular and no other:

That two tracts of land lying in the City of Roanoke, located on the southwest side of Roberts Road, S.W., and designated on Sheet No. 129 of the Sectional 1976 Zone Map, City of Roanoke, as Official Tax Nos. 1290211 and 1290212, be, and are hereby rezoned from RS-3, Residential Single Family District, to C-1, Office District, subject to the proffers contained in the Fourth Amended Petition filed in the Office of the City Clerk on July 29, 2002, and that Sheet No. 129 of the Zone Map be changed in this respect.

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

NOTICE:

Report will be faxed Friday, August 16, 2002.



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE permanently vacating, discontinuing and closing certain public right-of-way in the City of Roanoke, Virginia, as more particularly described hereinafter; and dispensing with the second reading of this ordinance by title.

WHEREAS, Structures Design/Build, LLC, filed an application to the Council of the City of Roanoke, Virginia, in accordance with law, requesting the Council to permanently vacate, discontinue and close the public right-of-way described hereinafter; and

WHEREAS, the City Planning Commission, after giving proper notice to all concerned as required by §30-14, Code of the City of Roanoke (1979), as amended, and after having conducted a public hearing on the matter, has made its recommendation to Council; and

WHEREAS, a public hearing was held on said application by the City Council on August 19, 2002, after due and timely notice thereof as required by §30-14, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were afforded an opportunity to be heard on said application; and

WHEREAS, it appearing from the foregoing that the land proprietors affected by the requested closing of the subject public right-of-way have been properly notified; and

WHEREAS, from all of the foregoing, the Council considers that no inconvenience will result to any individual or to the public from permanently vacating, discontinuing and closing said public right-of-way.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke, Virginia, that the public right-of-way situate in the City of Roanoke, Virginia, and more particularly described as follows:

That 0.717 acre portion, more or less, of excess right-of-way of Franklin Road that adjoins tax parcel 1300101

be, and is hereby permanently vacated, discontinued and closed, and that all right and interest of the public in and to the same be, and hereby is, released insofar as the Council of the City of Roanoke is empowered so to do with respect to the closed portion of the right-of-way, reserving however, to the City of Roanoke and any utility company, including, specifically, without limitation, providers to or for the public of cable television, electricity, natural gas or telephone service, an easement for sewer and water mains, television cable, electric wires, gas lines, telephone lines, and related facilities that may now be located in or across said public right-of-way, together with the right of ingress and egress for the maintenance or replacement of such lines, mains or utilities, such right to include the right to remove, without the payment of compensation or damages of any kind to the owner, any landscaping, fences, shrubbery, structure or any other encroachments on or over the easement which impede access for maintenance or replacement purposes at the time such work is undertaken; such easement or easements to terminate upon the later abandonment of use or permanent removal from the above-described public right-of-way of any such municipal installation or other utility or facility by the owner thereof.

BE IT FURTHER ORDAINED that the applicant shall submit to the Subdivision Agent, receive all required approvals of, and record with the Clerk of the Circuit Court for the City of Roanoke, a subdivision plat, with said plat combining all properties which would otherwise be landlocked by the requested closure, or otherwise disposing of the land within the right-of-way to be vacated in a manner consistent with law, and retaining appropriate easements, together with the right of ingress and egress over the same, for the installation and maintenance of any and all existing utilities that may be located within the right-of-way.

BE IT FURTHER ORDAINED that the applicant shall, upon meeting all other conditions to the granting of the application, deliver to the Clerk of the Circuit Court of the City of Roanoke, Virginia, a certified copy of this ordinance for recordation where deeds are recorded in said Clerk's Office, indexing the same in the name of the City of Roanoke, Virginia, as Grantor, and in the name of the Petitioner, and the names of any other parties in interest who may so request, as Grantees, and pay such fees and charges as are required by the Clerk to effect such recordation.

BE IT FURTHER ORDAINED that the applicant shall, upon a certified copy of this ordinance being recorded by the Clerk of the Circuit Court of the City of Roanoke, Virginia, where deeds are recorded in said Clerk's Office, file with the City Engineer for the City of Roanoke, Virginia, the Clerk's receipt, demonstrating that such recordation has occurred.

BE IT FURTHER ORDAINED that if the above conditions have not been met within a period of six (6) months from the date of the adoption of this ordinance, then said ordinance shall be null and void with no further action by City Council being necessary.

BE IT FURTHER ORDAINED that the closure shall be conditioned upon the applicant, or its successor or successors in interest, retaining and maintaining a ten (10) foot wide vegetative buffer in its natural, undisturbed state, from the rear property lines of Official Tax Map Nos. 1300117, 1300102, 1300103, 1300104, 1300105, 1300106, 1300109, 1300110, 1300111, 1300113, and 1300114, toward Franklin Road, S.W., and no certificate of occupancy, temporary or permanent, may be issued for Official Tax No. 1300101, unless and until this condition is satisfied.

BE IT FINALLY ORDAINED that pursuant to the provisions of §12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

						City Cle	rk.			
	ACCEPTED	and	EXECUTED	by	the	undersigned	this		day	of
	, 2	20								
ATTE	ST:			STR	UCT	URE DESIGN	/BUII	LD, LLC		
Its				By_ Its					(S	eal)

COM	IMONWEALTH OF VIRGINIA	§ § To-Wit: §
this_	day of, 20	knowledged before me in my jurisdiction aforesaid
	My Commission expires:	·
		Notary Public



CITY OF ROANOKEOFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

August 19, 2002

Honorable Ralph K. Smith, Mayor Honorable C. Nelson Harris, Vice Mayor Honorable William D. Bestpitch, Council Member Honorable William H. Carder, Council Member Honorable Alfred T. Dowe, Council Member Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Public Hearing to Consider and Authorize Lease of City Owned Property Identified as 117-119 Norfolk Avenue and to provide City Owned Parking Spaces located at 117-123 Salem Avenue

Background:

The City of Roanoke currently owns two buildings, identified as 117 and 119 Norfolk Avenue, along the Warehouse Row area of Downtown Roanoke. A public hearing was held on July 1, 2002, and July 15, 2002, and continued generally, and a public hearing was advertised for August 19, 2002, concerning the possible acceptance and award of a bid submitted by Warehouse Row, L.P. for the lease, renovation, and equipping of 117 and 119 Norfolk Avenue so that such buildings may be used for sub-leases by tenants which may create tax revenues for the City and enhance economic development of the area.

Warehouse Row, L.P. was the only entity to submit a bid to the City on July 1, 2002, to lease, renovate and equip such City buildings. The matter was referred to the City Manager and after further negotiations, the City Manager and Warehouse Row, L.P., reached agreement on the terms of a Lease Agreement and a Recapture of Investment Agreement.

The term of the Lease shall be for forty years, whereby Warehouse Row, L.P. shall pay to the City the sum of one dollar per year. In addition to the lease of the Buildings, the City of Roanoke shall provide parking spaces to be determined by the parties, located on all or part of City owned property located at 117-123 Salem Avenue S.W., Official Tax Map Nos. 1010409, 1010410, and 1010411, to Warehouse Row, L.P. for use as parking spaces, in connection with the lease of the Buildings, for an initial term of five years. Warehouse Row L.P. shall expend approximately \$1,700,000 in making permanent improvements and in equipping the Buildings. Warehouse Row, L.P. will operate and manage the Property, at its sole cost and expense, as high quality commercial space suitable for use by technology companies.

In order to help finance the above lease, Warehouse Row, L.P. needs to have a Recapture of Investment Agreement among the City, Warehouse Row, L.P., Warehouse Row, L.L.C., Warehouse Row Lending, L.L.C., Carilion Health System, and the Roanoke Valley Development Corporation. After five years from when the Property has been placed in service, any member of Warehouse Row L.L.C., defined as Carilion Health System and / or The Roanoke Valley Development Corporation, may elect to sell its membership interest in the Property. Upon the request for sale of the membership interest, the City or its Designee shall first have the right to purchase such interest, which is defined as the initial and subsequent capital investments plus the amount of net operating revenue, if any, not equal to an average of a 6% return on the original capital investment. If the City does not execute its right to purchase such membership interest, Warehouse Row L.L.C. shall have the exclusive right to sell the property to another purchaser. The sales proceeds will be distributed as follows:

- a. First, to repay Warehouse Row L.L.C. interest / investment.
- b. In the event of any excess over the LLC investment, such excess will be applied to the City's original purchase price of the Property (\$636,000).
- c. In the event the final purchase price plus the LLC investment noted in (b) immediately above also exceeds the \$636,000 original purchase price of the City, any excess over that amount will be distributed 1/3 to the City, 1/3 to Carilion and 1/3 to the Roanoke Valley Development Corporation.

The Lease is attached as Attachment (A) and the Recapture of Investment Agreement is attached as Attachment (B).

Recommended Action:

Following the public hearing, accept the bid of Warehouse Row, L.P. and approve the execution, and authorize the City Manager to execute both a Lease agreement between the City of Roanoke and Warehouse Row, L.P. and a Recapture of Investment Agreement among the City of Roanoke, Warehouse Row, L.P., Warehouse Row L.L.C., Warehouse Row Lending, L.L.C., Carilion Health System, and the Roanoke Valley Development Corporation. Such agreements shall be substantially similar to the ones

attached to this letter and approved as to form by the City Attorney. Furthermore, authorize the City Manager to take such further actions or execute such additional documents as may be necessary to implement and administer such agreements.

Respectfully submitted,

Darlene L. Burcham

City Manager

DLB:clw

Attachments

c: Jesse A. Hall, Director of Finance William M. Hackworth, City Attorney Mary F. Parker, City Clerk Elizabeth A. Neu, Director of Economic Development

CM02-00197

LEASE AGREEMENT

THIS LEASE AGREEMENT, is made and entered into this day of, 20, by and between the CITY OF ROANOKE, a municipal corporation of the Commonwealth of Virginia, (the "City"), and WAREHOUSE ROW, L.P., a limited partnership organized under the laws of the Commonwealth of Virginia ("WR");
<u>WITNESSETH</u> :
WHEREAS, WR was organized for the purpose of rehabilitating and equipping (the "Project") and operating the buildings known commonly as the Warehouse Row Buildings, located at 117 and 119 Norfolk Avenue, SW, which are owned by City, as more particularly described on Exhibit A hereto (the "Property"), for use as commercial space suitable for leasing space to technology businesses; and
WHEREAS, City owns certain parking spaces which are located in front of the Property on Salem Avenue, SW, as more particularly defined on Exhibit B hereto (the "Spaces"),
WHEREAS, City Council has, by ordinance adopted 2002, approved the lease of the Property and the use of the Spaces by WR and others, on the terms provided for herein.
NOW, THEREFORE, FOR AND IN CONSIDERATION of the mutual covenants, agreements, obligations and undertakings herein contained, City and WR hereby covenant and agree as follows:
§1. <u>TERM</u>
The term of this Lease shall be for forty years, beginning on and ending on (the "Term").
§2. <u>RENTAL AMOUNT</u>
In consideration of its lease of the Property, WR shall pay to City the sum of one dollar per year, payable beginning on or before the beginning date.

§3. ARCHITECTURAL AND ENGINEERING SERVICES

WR shall procure architectural and engineering services for the Project and shall enter into a professional services contract for all phases of the Project. Development and approval of conceptual plans for the renovation and rehabilitation of the Property (the "Plans") shall be completed in consultation with City's Director of Economic Development (the "Director") at the 25%, 50%, 75%, and 100% planning stages. In the event the Director does not provide written objection to the Plans within 10 business days of being provided with the Plans

(such Plans to be provided at the intervals provided for in the immediately preceding sentence), it will be conclusively determined that City has approved the Plans at such interval. If the Director provides written objection to the Plans during the required 10 business day period, design work on the Project will cease until the Director approves the Plans, such approval not to be unreasonably withheld. The Plans shall be approved by the City's Architectural Review Board to the extent required by the City's Zoning Ordinance.

§4. CONSTRUCTION CONTRACT

WR shall procure a licensed, experienced contractor (the "Contractor) to rehabilitate the Property into first-class commercial space, with improvements which will include, by way of example and not of limitation, installing, constructing, replacing, and/or repairing the electrical system, mechanical system, heating and air conditioning systems, roof, telecommunications backbone infrastructure, natural gas, telephone systems, floors, walls, and elevators. Construction shall commence not later than one year from the beginning of the Term. WR shall expend approximately \$1,700,000 in making permanent improvements and in equipping the building. The parties intend that WR will complete the Project by September 1, 2003, but in any event WR will complete the Project within 24 months of the beginning of the Term, and will receive a permanent certificate of occupancy within 26 months of the beginning of the Term.

In addition to all other provisions deemed necessary by WR, the construction contract (the "Construction Contract") shall contain the following provisions:

(1) <u>Security Provisions</u>

Within ten consecutive calendar days after the award of the Construction Contract, the Contractor shall furnish WR a Performance Security and Labor and Material Payment Security, each in the amount of 100% of the contract amount. The City shall be listed as an additional obligee. The Performance Security and the Labor and Material Payment Security shall be furnished in the form of either:

- a. Performance Bond and Labor and Material Payment Bond made payable to WR and properly executed by the Contractor as principal and a corporate surety authorized to transact business in the State of Virginia. Attorneys-in-fact who execute the bonds must file with each bond a certified copy of their Power of Attorney, or
- b. Certified Check or Cash Escrow in the face amount required for the Performance Security and the Labor and Material Payment Security each made payable to WR.

(2) <u>Insurance</u>

The Contractor shall maintain adequate builder's risk insurance to include coverage for damages caused by fire, earthquake and flood, and also commercial general liability

(at least \$2 million), automobile liability (at least \$2 million), workers' compensation and employer's liability insurance. This insurance shall be in place with the Contractor until final acceptance of the work by WR. The insured value for the building shall be the completed value of the building including the proposed renovations. Contractor shall provide WR with a certificate of insurance showing the type, amount, and effective date of each policy. The certificate shall name City, its officials, agents and employees as additional insureds, except as to workers' compensation and employer's liability coverage, which shall waive subrogation as to WR and the City, and City shall have 30 days notice of cancellation, change or reduction in coverage.

(3) <u>Indemnity Provision</u>

(i) Contractor shall indemnify and hold harmless WR and City, their respective officers, agents, and employees against any and all liability, losses, damages, claims, causes of action, suits of any nature, costs, and expenses, including reasonable attorney's fees and costs of defense, resulting from or arising out of Contractor's activities or omissions, negligent or otherwise, on the Property, including, without limitation, fines and penalties, violations of federal, state or local laws, or regulations promulgated thereunder, personal injury, wrongful death or property damage claims.

(ii) While on the Property and in its performance of the Construction Contract, Contractor shall not transport, dispose of or release any hazardous substance, material or waste, except as necessary in performance of its work under the Construction Contract and in any event Contractor shall comply with all federal, state and local laws, rules, regulations and ordinances controlling air, water, noise, solid wastes and other pollution, and relating to the storage, transport, release or disposal of hazard materials, substances or waste. Regardless of City or WR's acquiescence, Contractor shall indemnify and hold City and WR, their officers, agents, and employees, harmless from all costs, liabilities, fines or penalties, including attorney's fees and costs of defense resulting from any violation of this paragraph and agrees to reimburse City or WR for all costs and expenses incurred by City or WR in eliminating or remedying such violations. Contractor will also agree to reimburse City or WR and hold City and WR, their officers, agents, and employees harmless from any and all costs, expenses, attorney's fees and all penalties or civil judgments obtained against City and/or WR as a result of Contractor's use or release of any hazardous substance or waste onto the ground, or into the water or air from or upon the Property.

(4) Regulations and Permits

Contractor shall fully comply with all local, state and federal building and fire codes, ordinances, laws and regulations, including without limitation all applicable sections of the Occupational Safety and Health Act and the Virginia Uniform Statewide Building Code, and obtain all required licenses and permits and pay all charges and expenses connected therewith.

(5) <u>Minority Subcontracts</u>

Contractor, in all solicitations or advertisements for subcontractors placed by or on behalf of the Contractor, will use its best efforts to assure minority subcontractors of an opportunity to perform a portion of the work.

§5. INDEMNIFICATION AND RISK OF LOSS

(1) Indemnification

WR shall indemnify, defend (upon written notice by City), and hold harmless City, its officers, agents and employees, from any and all liability, losses, damages, claims, causes of action, suits of any nature, judgments advanced against City and for expenses City may incur in this regard, including but not limited to attorney's fees and other costs of defense, arising out of or resulting from WR's intentional or negligent acts or omissions with respect to this Lease, the Project, or any alleged or actual infringement or violation of any patent, invention, article, arrangement, or other intellectual property or apparatus, that may be used in the performance of any work or activity arising out of the use of the Property or this Lease, either directly or indirectly.

(2) <u>Risk of Loss</u> Notwithstanding anything herein to the contrary, WR shall bear the risk of loss of or damage to Property during the Term. Notwithstanding anything herein to the contrary, City shall not be liable for any consequential or incidental damages incurred by WR due to any malfunction, vandalism, acts of God (including, without limitation, lightning, wind, rain, hail, fire or storms) or any other damage resulting from any reason.

§6. **INSURANCE**

WR will maintain insurance on the Property throughout the Term of the following character and such other insurance as may be reasonably requested in writing by City:

WR shall maintain a standard "all-risk" form of insurance policy, with (1) claims to be settled on a replacement cost basis. City shall be named as an additional insured on all such insurance policies. The amount of such insurance shall be not less than 100% of the full replacement cost of the improvements, furniture, furnishings, fixtures, equipment and other items (whether personalty or fixtures) included in the Property and owned by WR from time to time, without reduction for depreciation. The determination of the replacement cost amount shall be adjusted annually to comply with the requirements of the insurer issuing such coverage or by reference to such indices, appraisals or information as WR determines in its reasonable discretion. Each policy or policies will contain inflation guard coverage ensuring that the policy limit will be increased over time to reflect the effect of inflation. Full replacement cost, as used herein, means, with respect to the improvements, the cost of replacing the improvements without regard to deduction for depreciation, exclusive of the cost of excavations, foundations and footings below the lowest basement floor, and means, with respect to such furniture, furnishings, fixtures, equipment and other items, the cost of replacing the same. Each policy or policies shall contain a replacement cost endorsement and either an agreed amount endorsement (to avoid the operation of any coinsurance provisions) or a waiver of any coinsurance provisions. Such insurance may be in the form of a blanket policy provided that the policy contains an endorsement to the effect that the coverage will not be affected by the failure to pay any portion of the premium which is not allocable to the Property or any other action not relating to the Property which would otherwise permit the issuer to cancel the coverage.

- (2) WR will maintain Comprehensive "Commercial General Liability" insurance against claims for personal injury, bodily injury, death and property damage occurring on, in or about the Property, including, without limitation, coverage against so called occurrences in amounts not less than \$1,000,000 per occurrence and \$2,000,000 general aggregate coverage (umbrella coverage shall not be less than an additional \$3,000,000) for bodily injury, personal injury or death and \$500,000 for property damage. This policy must contain, but not be limited to, coverage for Property and operations liability, products and completed operations liability, contractual liability, hired and non-owned automobile liability, personal injury liability and property damage liability.
- (3) WR will maintain insurance covering the major components of the central heating, air conditioning and ventilating systems, boilers, other pressure vessels, high pressure piping and machinery, elevators and escalators, if any, and other similar equipment installed in the Property, in an amount equal to 100% of the full replacement cost thereof, which policies shall insure against physical damage to and loss of occupancy and use of the Property arising out of an accident or breakdown covered thereunder.
- (4) WR will maintain, if the Property or any part thereof is situated in an area identified by the Secretary of Housing and Urban Development as now having or subsequently designated as having special flood hazards (including, without limitation, those areas designated by the FEMA as Zone A or Zone V), flood insurance under the National Flood Insurance Program in an amount equal to the lesser of (i) the full replacement cost of the Property or (ii) the maximum amount of flood insurance available. The deductible under such flood insurance shall not exceed \$3,000 per building, unless a higher amount is required by FEMA or other law.
- (5) WR will maintain, if the Property has legal "nonconforming" uses under current building, zoning or land use laws or ordinances, Law and Ordinance coverage which shall cover costs of demolition, loss to undamaged portions of the Property and increased cost of construction.

WR shall as of the date hereof deliver to City evidence satisfactory to City that, as of the date hereof, said insurance policies have been prepaid and copies of such insurance policies and original certificates of insurance signed by an authorized agent evidencing such insurance satisfactory to City. WR shall renew all such insurance and deliver to City policies evidencing such renewals at least 15 days before any such insurance shall expire. WR further agrees that all such insurance policies: (A) shall provide for at least 30 days' prior written notice to City prior to any cancellation or termination thereof and prior to any modification thereof which affects the interest of City; (B) shall contain an endorsement or agreement by the insurer that any loss shall be payable to City in accordance with the terms of such policy notwithstanding any act or negligence of WR which might otherwise result in forfeiture of such insurance; and (C) shall either name City as an additional insured or waive all rights of

subrogation against City. The delivery to City of the insurance policies or the certificates of insurance as provided above shall constitute an assignment of all proceeds payable under such insurance policies by WR to City as further security for the indebtedness secured hereby. Approval of any insurance by City shall not be a representation of the solvency of any insurer or the sufficiency of any amount of insurance. In the event WR fails to provide, maintain, keep in force or deliver and furnish to City the policies of insurance required by this Lease or evidence of their renewal as required herein, City may, but shall not be obligated to, procure such insurance and WR shall pay all amounts advanced by City, together with interest thereon from and after the date advanced by City until actually repaid by WR, promptly upon demand by City. City shall not be responsible for nor incur any liability for the insolvency of the insurer or other failure of the insurer to perform, even though City has caused the insurance to be placed with the insurer after failure of WR to furnish such insurance.

§7. THIRD-PARTY CONTRACTS

WR shall name City as a third party beneficiary under all contracts related to the Project (such as, but not limited to, the Contractor's and architect's contracts, bonds, and other security) such that in the event WR defaults under this Lease, City shall be able to enforce WR's contract with such third parties to complete the renovation of the building. In addition, all subleases will permit City, in its discretion, to step into the shoes of WR as sublessor.

§8. USE OF PROPERTY AND SUBLESSEES

WR will operate and manage the Property, at its sole cost and expense, as high quality commercial space suitable for use by technology companies. WR will make best efforts to sublease space to technology firms which are, in WR's reasonable opinion, of reputable quality (the "Intended Tenants"). Leases to Intended Tenants shall be reasonably flexible so as to be accommodating and otherwise attractive to technology companies. Notwithstanding the aforesaid, however, in the event that Intended Tenants are unavailable, WR may sublease the Property to other parties. In any event, each sublease shall permit City, upon 30 days' written notice, to terminate such sublease in the Event of Default (as hereinafter defined) under which City terminates this Lease and/or re-enters the Property pursuant to section 13 hereof. All subleases shall provide indemnification provisions related to WR, City, and their respective officers, agents, and employees, and shall contain provisions for insurance which City's risk manager may reasonably require. Notwithstanding anything else contained herein, nothing shall prevent WR from subleasing the Property to a related party to operate and manage the Property, provided that all of the terms of this section apply to the leases from such related sublessee to such related sublessee's subtenants, and WR shall not be relieved of any of its obligations pursuant to this Lease Agreement in such case.

§9. MAINTENANCE, REPAIR, UTILITIES, AND TAXES

(1) Maintenance

WR shall, at its own expense, maintain all parts of the Property, including all of the systems installed pursuant to Section 4, in good repair and condition and will take all action and will make all foreseen and unforeseen and ordinary changes and repairs which may be required to keep the Property in good repair and condition.

(2) Repair and Replacement

WR shall be liable for and shall repair, replace and/or restore any loss or damage of the Property caused by the acts or omissions, negligent or otherwise, of WR, or by the negligence or intentional acts of its sublessees, guests, invitees, agents, employees, or representatives.

(3) Utilities

WR shall pay all utilities related to the Property.

(4) Taxes

WR shall pay any and all real estate taxes and assessments levied with respect to the Property and any and all taxes and assessments associated with WR's use of the Property assessed by any public authority having jurisdiction, as the same may become due and payable, during the term of this Lease. Any such taxes or assessments with respect to tax years which extend prior or subsequent to the date of commencement or termination of this Lease shall be prorated for the portion of such tax year that the Lease is in effect.

§10. WARRANTIES BY CITY

The Property is leased on an "as is" basis without warranties of any type, except that City warrants and represents to WR and covenants and agrees as of the date hereof and on the commencement of the Term that:

- (1) City owns the Property, free and clear of all liens, encumbrances and other exceptions to title, except for those matters of record or disclosed to WR.
 - (2) City has full right, title and authority to execute this Lease.
- (3) The execution of this Lease and performance of the transaction contemplated herein shall not conflict with or result in a breach of the terms or provisions of, constitute a default under, or cause or allow an acceleration of, any note, mortgage, deed of trust, loan agreement or other document, instrument, or agreement to which City is a party or by which the Property is encumbered or affected.
- (4) There are no leases or other agreements for the use, occupancy or possession of the Property or any portion thereof presently in force.
- (5) There are no condemnation or eminent domain proceedings pending or contemplated against the Property or any part thereof.

- (6) There are no pending suits or proceedings against or affecting City or any part of the Property which (i) do or could affect title to the Property or any part thereof; or (ii) do or could prohibit or make unlawful the consummation of the transactions contemplated by this Lease, or render City unable to consummate the same.
- (7) All information and data furnished by City to WR with respect to the Property is true, correct, complete and not misleading, to the best of City's knowledge.
- (8) All requisite actions have, as of the date of execution hereof, been taken by City authorizing the execution and delivery of this Lease, City's consummation of the transaction contemplated hereby and the performance by City of City's duties and obligations under this Lease. This Lease has been duly executed and delivered by City.
- (9) To the best of City's knowledge and belief, no further approval, consent or withholding of objection on the part of any requesting body or any federal, state or local official is required in connection with the execution or delivery of, or compliance by City with, the terms and conditions of this Lease.

§11. CONSENTS

City will, upon ten days' written notice at the request of WR, execute, acknowledge and deliver to WR a certificate of City, stating that this Lease is unmodified and in full force and effect (or, if there have been modifications, that this Lease is in full force and effect as modified, and setting forth such modifications) and either stating that to the knowledge of City no default exists hereunder or specifying each such default of which City has knowledge. Any such certificate may be relied upon by WR or any actual or prospective assignee or sublessee of the Property. Furthermore, and to facilitate WR's financing of the Project, City agrees to execute such consents to the encumbrance of WR's leasehold interest in the Property as may be requested by lenders to and investors in the Project. Notwithstanding the aforesaid, however, any such encumbrance shall be subject to a right of City to release such encumbrance, at no cost or expense to City, or to any other party, upon the occurrence of an Event of Default (as hereinafter defined) which causes City to terminate this Lease or reenter the Property pursuant to section 13 hereof. It is the express intent of the preceding sentence that City shall be under no obligation to any party in the event the Project fails for reasons not clearly and directly caused by the gross misfeasance or malfeasance of City. Nothing contained herein shall imply that City approval shall be required in order for WR to sublease, assign, or encumber WR's leasehold interest in the Property.

§12. EVENTS OF DEFAULT

Any of the following occurrences or acts shall constitute an Event of Default under this Lease:

- (1) if WR shall fail to observe or perform any material provision hereof and such failure shall continue for 60 days after written notice by City to WR of such failure;
 - (2) if the Property shall have been left abandoned for a period of 30 consecutive days;

- (3) if the Project is not expeditiously completed in a good and workmanlike manner, in compliance with all the requirements of this Lease Agreement, or if WR fails to maintain all insurance policies required to be maintained by WR hereunder; or
 - (4) the bankruptcy or insolvency of WR.

§13. TERMINATION AND REENTRY

- (1) If an Event of Default shall have happened and be continuing, City shall have the right to give WR notice of City's termination of the Lease. Upon the giving of such notice, the Term and the estate hereby granted shall expire and terminate on such date as fully and completely and with the same effect as if such date were the date herein fixed for the expiration of the Term, and all rights of WR hereunder shall expire and terminate.
- (2) If an Event of Default shall have happened and be continuing, City shall have the right, whether or not the Term shall have been terminated, to reenter and repossess the Property and the right to remove all persons and property therefrom by summary proceedings, ejectment or any other legal action or in any lawful manner City determines to be necessary or desirable. City shall be under no liability by reason of any such reentry, repossession or removal. No such reentry, repossession or removal shall be construed as an election by City to terminate the Term unless a notice of such termination is given to WR or unless such termination is decreed by a court.

§14. PARKING

Not less than two month's before a permanent Certificate of Occupancy is issued by City for the Property, WR shall provide City written notice of the number of WR's requested Spaces (the "Requested Spaces"). The Requested Spaces shall be made available to sublessees of the Property upon the issuance of a permanent Certificate of Occupancy and for an initial five year term thereafter. City shall charge its established market rate per space, per month. City shall, at its sole cost and expense, maintain the Spaces in a manner similar to the way in which it maintains other City-owned parking. Notwithstanding anything else contained herein, and except in the case of negligence or willful misconduct of WR, WR shall be under no obligation to indemnify, name as an additional insured, or otherwise make any expenditure related to the Spaces, other than to pay the rate provided for herein. After the initial five year term, City and WR shall negotiate in good faith in an attempt to reach an agreement as to parking for the Property which is agreeable to City and WR. The use of such spaces by WR shall be subject to any applicable rules, regulations and procedures applicable generally to such parking. Such requested spaces shall be made available by a license or by the issuance of parking permits as the City deems appropriate.

§15. <u>DISCRIMINATION PROHIBITED</u>

In the performance of this Lease, the parties hereto shall not discriminate against any contractor, subcontractor, vendor, lessee, sublessee, employee, applicant for employment or invitee because of race, religion, color, sex or national origin, except where race, religion, color,

sex or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of the parties hereto.

§16. SEVERABILITY

If any part or parts, section or subsection, sentence, clause or phrase of this Lease is for any reason declared to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Lease.

§17. AGREEMENT TO QUIT PREMISES

WR agrees to quit the Property at the end of the term or termination of this Lease and leave the Property and any other City property in the same condition as at the time a permanent certificate of occupancy is issued, ordinary wear and tear excepted.

§18. <u>ASSIGNMENT</u>

WR shall not assign or transfer any right or interest under this Lease without City's prior written approval of such assignment and WR agrees that any such assignment without prior written approval of the City shall be null and void.

§19. NOTICE

Notice to City required by this Lease shall be sent by certified mail, return receipt requested, to City of Roanoke, c/o City Manager, Room 364, Municipal Building, 215 Church Avenue, Roanoke, Virginia 24011; notice to WR hereunder may be sent by certified mail, return receipt requested, to WR, _______, or at such other address as the parties may designate in writing to the other party.

§20. <u>HEADINGS</u>

The paragraph captions and headings in this Lease are for convenience and reference purposes only and shall not affect in any way the meaning or interpretation of this Lease.

§21. BOOKS AND RECORDS

The City or its representatives shall have the right, upon written request to WR, to inspect, copy and/or audit the books and records of WR regarding any matters or issues relative to or connected with this Lease. WR shall file annually with the City, within one month of the end of each year of the term of this Lease Agreement, a written report advising of the amount of the capital investments made in the Property, the amount expended on its maintenance and operation, and the profit and loss from its leases.

§22. FAITH-BASED ORGANIZATIONS

Pursuant to Virginia Code Section 2.2-4343.1, be advised that the City does not discriminate against faith-based organizations.

§23. FORUM SELECTION AND CHOICE OF LAW

By virtue of entering into this Lease, WR agrees and submits itself to a court of competent jurisdiction in the City of Roanoke, Virginia, and further agrees that this Lease is controlled by the laws of the Commonwealth of Virginia and that all claims, disputes and other matters shall be decided only by such court according to the laws of the Commonwealth of Virginia.

§24. COMPLETE AGREEMENT

This Lease constitutes the final, complete and exclusive statement of the terms of the understanding between City and WR. All terms and conditions of this Lease shall be binding upon City and WR, their heirs, successors or assigns, and cannot be modified by any oral representation of promise of any agent or other representative of either City or WR. This Lease may be modified only by written instruments property executed by City and WR.

[the balance of this page is intentionally left blank]

IN WITNESS WHEREOF, the parties hereto have caused this Lease to be executed by their respective officers, as of the day and year first above set out.

	CITY OF ROANOKE, VIRGINIA
City Clerk	By Title City Manager
WITNESS:	WAREHOUSE ROW, L.P.
Printed Name and Title	By
Approved as to Form:	
City Attorney	
Approved as to Execution:	
City Attorney	
Funds for this Contract Certified:	
Director of Finance	
Account No.	
Authorizing Measure:	

EXHIBIT A

TO

LEASE AGREEMENT DATED _______, 2002, BETWEEN CITY OF ROANOKE AND WIREHOUSE ROW, L.P.

LEGAL DESCRIPTION

Located in the City of Roanoke, State of Virginia:

Parcel No. 1: BEGINNING at a point on the north right-of-way line of Norfolk Avenue, S.W. (formerly Front Street), 273.5 feet, more or less, west of the northwest corner of First Street, S.W. (formerly Henry Street) and Norfolk Avenue, S.W., common corner of Lot 6 and Lot 7, P. L. Terry Map, on file in the City Engineer's Office as Plan No. 1693; thence in a northerly direction with the division line between said Lots 6 and 7 to a point on the south line of the lands of the Norfolk and Western Railway Company; thence with the Norfolk and Western Railway Company line in an easterly direction to a point, common corner to Lot 8 and Lot 9, P. L. Terry Map; thence with the division line between said Lots 8 and 9, in a southerly direction to a point on the north right-of-way line of Norfolk Avenue, S.W.; thence with Norfolk Avenue, S.W., in a westerly direction to the place of BEGINNING; and

BEING Lots 7 and 8 as shown on the aforesaid map of the lands of P. L. Terry, and being all of the property designated as No. 1010306 on Sheet 101 of the City of Roanoke Appraisal Map, said land fronting approximately 50 feet on the north side of Norfolk Avenue, S.W., and extending back in a northerly direction to the lands of the Norfolk and Western Railway Company.

TOGETHER WITH the right, privilege and easement to use as a party wall the west wall of the existing brick warehouse building located on the lot immediately adjoining the above-described property on the east, for so long as that wall remains standing, said wall being situated partly on the above-described property and partly on the said adjoining lot.

Parcel No. 2: BEGINNING at a point on the north right of way line of Norfolk Avenue, S.W., (fronting Front Street) 175 feet west of the northwest corner of First Street, S.W. (formerly Henry Street) and Norfolk Avenue, S.W., the common corner of Lot 10 and 11, P. L. Terry Map; thence in a northerly direction with said Lot 11 to a point on the south line of the lands of Norfolk and Western Railway Company; thence with the Norfolk and Western Railway Company line in a westerly direction to a point, common corner of Lot 8 and Lot 9, P. L. Terry Map; thence with said Lot 8 in a southerly direction to a point on the north right of way line of Norfolk Avenue; thence with Norfolk Avenue in an easterly direction to the place of BEGINNING, and being Lots 9 and 10, as shown on the Map of the lands of P. L. Terry's Front Street property, prepared by Dunstan and Wingate Engineers, dated January, 1889; and

TOGETHER WITH the right, privilege and easement to use as party walls (1) the east wall of the existing brick warehouse building located on the lot immediately adjoining the above described property on west and (2) the west wall of the existing brick warehouse building located on the lot immediately adjoining the above described property on the east, for so long as each or either of said walls remains standing, each wall being situate partly on the above described property and partly on the respective adjoining lot.

Parcel No. 3: All of New Lot 4, containing 233 square feet, more or less, and New Lot 5, containing 237 square feet, more or less, as shown on map entitled "Plat of Survey Showing the Subdivision of Property (16,801 S.F.) of the City of Roanoke, Being Tract 2 (16,801 S.F.), Shown on City Engineer's Plan Numbers 6334K through 6334P, and Creating Hereon New Lot 1A (211 S.F.), New Lot (0.3 S.F.), New Lot 2 (189 S.F.), New Lot 3 (237 S.F.), New Lot 4 (233 S.F.), New Lot 5 (237 S.F.), New Lot 6 (251 S.F.), New Lot 7 (187 S.F.), Situated North of Norfolk Avenue, S.W. Between First Street, S.W. and Second Street, S.W., and Dedicating the Remaining 15,256 S.F. for Public Street Purposes, Situated North of Norfolk Avenue, S.W. Between South Jefferson Street and Second Street, S.W., Roanoke, Virginia," recorded April 5, 2000, in Roanoke City Map Book 1, at pages 2077, 2078, 2079 and 2080.

EXHIBIT B TO

LEASE AGREEMENT DATED ______, 2002, BETWEEN CITY OF ROANOKE AND WIREHOUSE ROW, L.P.

The property which may be used for providing some parking spaces to sublessees of Warehouse Row, L.P., with the number of spaces to be determined by agreement of the parties, is described as follows:

The property owned by the City and located at 117-123 Salem Avenue, S.W., in the City of Roanoke, Virginia, Official Tax Map Nos. 1010409, 1010410 and 1010411.

RECAPTURE OF INVESTMENT AGREEMENT

THIS AGREEMENT is hereby entered into by and between Warehouse Row, L.P. (the "<u>LP</u>"), Warehouse Row, L.L.C. (the "<u>GP</u>"), Warehouse Row Lending, L.L.C. (the "<u>LLC</u>"), the City of Roanoke, Virginia (the "<u>City</u>"), Carilion Health System ("<u>Carilion</u>"), and The Roanoke Valley Development Corporation (the "<u>Corporation</u>") (collectively, the "<u>Parties</u>").

WHEREAS, the LP was formed for the purpose of renovating and equipping (the "Project") and operating (the "Operation") the buildings located at 117 and 119 Norfolk Avenue, SW, located in the City of Roanoke, Virginia (collectively, the "Property"), which are owned by the City; and

WHEREAS, the City has leased the Property to the LP for forty years for the sum of \$1 per year (the "Lease") based upon the LP's agreement to undertake the Project, and in the interest of making available high quality commercial office space to technology companies; and

WHEREAS, the LLC has agreed to lend funds to the LP to finance	a portion of the
Project (the "Loan"), and the LP will grant the LLC a deed of trust on its le	easehold interest (the
"Deed of Trust"), as more particularly described in the Construction and Po	ermanent Loan
Agreement between the LP and the LLC dated as of, 2	2002, and the
documents defined therein as "Loan Documents" (the "Loan Documents")	
WHEREAS, the GP is the general partner of the LP, and has, pursu	ant to the Amended
and Restated Agreement of Limited Partnership dated as of	, 2002, agreed to

make such capital contributions to the LP as are required for the Operation and the Project (the

WHEREAS, the LP has requested that the LLC guarantee a portion of the GP Obligations, and the LLC has agreed to guarantee the same (the "Guaranty") if (a) the City will agree to put in place a mechanism to increase the likelihood that the LLC will be repaid the Loan (the "Exit Strategy") and (b) if the GP will compensate the LLC for such Guaranty as more particularly defined in the Guaranty Agreement by and between the LLC and the GP dated as of

WHEREAS, because it is to the City's benefit to have a guarantee of the LP's Operations, the City has agreed to assist in providing the LLC an Exit Strategy, as more explicitly defined herein.

NOW THEREFORE, in consideration of the mutual premises and covenants provided for herein, as well as other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the Parties do agree as follows:

SECTION ONE: DEFINITIONS

1

In addition to those definitions provided for herein, the following definitions shall apply:

"GP Obligations"); and

, 2002 (the "Guaranty Fee"); and

- "Code" shall mean the Internal Revenue Code of 1986, as amended.
- "<u>Deferred Total Return</u>" shall mean the then-calculated Total Return which, although due and owing to the LLC, is not paid as of the date of such calculation.
- "<u>Designee</u>" shall mean the party selected by the City which may purchase the Membership Interests of both of the Members.
- "Guaranty Fee" shall equal the Guaranty Return.
- "Guaranty Return" shall mean the product of the 6% (calculated on an actual/365 basis) interest multiplied by the then-outstanding Loan Reduction Amount.
- "IDA" shall mean the Industrial Development Authority of the City of Roanoke.
- "Initial Capital Contribution" shall mean the capital contribution of each of the Members to the LLC which will be used to undertake the Project, or the sum of those capital contributions, as the context may require, all of which shall be loaned, pursuant to the Loan Documents, to the LP and which the LP will use to undertake the Project.
- "LLC Investment" shall have the meaning provided for in Section 2, paragraph 3.
- "Loan Return" shall mean the product of the 6% (calculated on an actual/365 basis) interest multiplied by the then-outstanding Loan.
- "Loan Reduction Amount" shall mean the then-calculated sum of all reductions of the outstanding Loan principal due and owing to the LLC from the LP. As described in the Loan Documents, the decision as to whether to make such loan principal pre-payments shall be at the LP's discretion. For example, if the LP makes a principal payment in the amount of \$50,000 to the LLC on January 1, 2003, and a principal payment in the amount of \$50,000 on January 1, 2004, the Loan Reduction Amount is \$50,000 on January 1, 2003, and \$100,000 on January 1, 2004.
- "Member" shall mean Carilion Health System and/or, as the context may require, The Roanoke Valley Development Corporation, who are the sole members of the LLC.
- "Membership Interests" shall mean the limited liability company membership interests which Carilion and/or, as the context may require, the Corporation own in the LLC.
- "Subsequent Capital Contribution" shall mean such capital contributions of each or both, as the context may require, of the Members to the LLC which are in excess of the Initial Capital Contribution, all of which shall be used to fund the Guaranty.
- "Total Return" shall mean the then-calculated sum of the Loan Return and the Guaranty Return which, assuming total Initial Capital Contributions of \$1,200,000, would equal a total of \$72,000 per annum.

SECTION TWO: LLC OPTION

- 1. Beginning in the first month following the fifth year in which the Property is placed in service (as determined for purposes of Section 47(b)(1) of the Code), if a Member elects to sell its Membership Interest to the City or its Designee, the City or its Designee shall have the right to purchase both of, but not one of, the Members' Membership Interests, on the terms and conditions outlined herein. For purposes of the acquisition by the City of the Membership Interests, the City or its Designee shall hereinafter be referred to collectively as the "City."
- 2. If a Member proposes to sell its Membership Interest pursuant to this section, it shall give written notice thereof to the City. The City will have 45 days to acquire both Members' Membership Interests after receipt of notice from either Member of such Member's desire to sell its Membership Interest. During such 45-day period, the City will (a) acquire both Membership Interests or (b) authorize the sale of the Property pursuant to Section 3 hereof.
- 3. The purchase price for the Membership Interests shall be the LLC Investment, which will be computed as follows:

Where ICC is the Members' Initial Capital Contribution, SCC is the Members' Subsequent Capital Contribution, DTR is Deferred Total Return, and LRA is the Loan Reduction Amount.

The following example illustrates the operation of this subparagraph:

Each Member makes a \$600,000 Initial Capital Contribution. In both years one and two, each Member makes additional contributions of \$25,000 Subsequent Capital Contributions to fund operating shortfalls. Because of a lack of cash flow availability in years one and two, no principal payments are made (i.e. the Loan Reduction Amount remains at \$0) and no Loan Return is paid. After paying the Total Return for and in each of years three, four and five, in year three the Operation has a net profit of \$20,000 and makes a principal payment of such amount, in year four the Operation has a net profit of \$40,000 and makes a principal payment of such amount, and in year five the Operation has a net profit of \$60,000 and makes a principal payment of such amount. Carilion elects to sell, and the City (acting through the IDA) elects to purchase both Membership Interests after year five. The price will be computed as follows:

\$1,200,000	Initial Capital Contribution (total)
\$100,000	Subsequent Capital Contribution (total of Year 1 + Year 2)
\$72,000	Deferred Total Return Year 1 = Loan Return (\$1,200,000 x 6%) + Guaranty Return (\$0 x 6%)
\$72,000	Deferred Total Return Year 2 = Loan Return (\$1,200,000 x 6%) + Guaranty Return (\$0 x 6%)
(\$20,000)	Loan Reduction Amount Year 3
(\$40,000)	Loan Reduction Amount Year 4
(\$60,000)	Loan Reduction Amount Year 5
\$1,324,000	

^{**} Note that because, in this example, Total Return is paid in each of Years 3, 4, and 5, there is no Deferred Total Return in any of those years.

4. Upon acquisition of both of the Member's Membership Interests by the City, the LP will terminate the Lease, subject to the City assuming all existing leases with subtenants.

SECTION THREE: RIGHT OF FIRST REFUSAL AND SALE

- 1. Unless the City acquires both of the Membership Interests pursuant to Section 2 hereof, either Member shall, 45 days after either Member provided the City the notice provided for in Section 2, Paragraph 2 hereof, have the right to cause a sale of the Property to any party, for any price determined by the LLC, and for any use consistent with the then current zoning, as described herein. Specifically, if the City does not acquire both Membership Interests, it will advertise and conduct a public hearing, and undertake all other requirements of law, within such 45 day period to enable it to sell the building in the manner described in this Section.
- 2. The LLC shall have the exclusive right and responsibility to market the Property, to engage in all negotiations with potential purchasers of the Property, and to otherwise undertake all actions related thereto. Upon selection by the LLC of a purchaser of the Property, the City shall sell the Property to such purchaser for whatever price the LLC and such purchaser have agreed. Notwithstanding the specificity of the forgoing, the City shall have no right whatsoever to object to, nor shall the consent of the City be required as to, the identity of the purchaser, the sales price of the Property, or the proposed use of the Property (provided such use is consistent with the then current zoning).
- 3. Upon sale of the Property, the LLC will release the Deed of Trust, and the LP will terminate the Lease. The sales proceeds will be distributed as follows:
 - a. First, to repay the LLC Investment.
 - b. In the event of any excess over the LLC Investment, such excess will be applied to the City's original purchase price of the Property (\$636,000).
 - c. In the event that the purchase price exceeds LLC Investment and the \$636,000 purchase price of the City, any excess over that amount will be distributed 1/3 to the City, 1/3 to Carilion and 1/3 to the Corporation.

SECTION FOUR: MISCELLANEOUS COVENANTS

- 1. Each provision of this Agreement shall be considered severable, and if for any reason any provision that is not essential to the effectuation of the basic purposes of the Agreement is determined to be invalid and contrary to any existing or future law, such invalidity shall not impair the operation of or affect those provisions of this Agreement that are valid.
- 2. No party hereto shall be deemed to have waived any rights hereunder unless such waiver shall be in writing and signed by such party. The waiver by any party of any breach of this Agreement shall not operate or be construed to be a waiver of any subsequent breach.

- 3. This Agreement shall be construed and enforced in accordance with the laws of the Commonwealth of Virginia.
- 4. All headings and captions in this Agreement are for convenience of reference only and are not intended to qualify the meaning of any provision.
- 5. This Agreement and any amendments hereto may be executed in several counterparts, each of which shall be deemed to be an original copy, and all of which together shall constitute one agreement binding on all parties hereto, notwithstanding that all the parties shall not have signed the same counterpart.
- 6. As the context may require, all personal pronouns used in this Agreement, whether used in the masculine, feminine or neuter gender, shall include all other genders, and the singular shall include the plural and vice versa.

[the balance of this page is intentionally left blank]

	WAREHOUSE ROW, L.P., by WAREHOUSE ROW, L.L.C., its general partner
	By:
	WAREHOUSE ROW, L.L.C.
	By:
	WAREHOUSE ROW LENDING, L.L.C.
	By:
	CITY OF ROANOKE, VIRGINIA
	By:
Approved as to Form	
City Attorney	
	CARILION HEALTH SYSTEM
	By:
	THE ROANOKE VALLEY DEVELOPMENT CORPORATION
	By:

D.T.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE accepting the bid of Warehouse Row, L.P., to lease, renovate and equip certain City owned buildings located at 117 and 119 Norfolk Avenue, S. W., (Buildings) for a term of 40 years, upon certain terms and conditions, and authorizing the City Manager to execute such a Lease Agreement, which will also provide for the lease of or otherwise providing for parking spaces on property owned by the City and located at 117 – 123 Salem Avenue, S. W.; authorizing the City Manager to execute a further agreement among the City, Warehouse Row, L. P. (WR), Warehouse Row, L.L.C., as General Partner (GP), Warehouse Row Lending, L.L.C. (WRL), Carilion Health System (Carilion), and Roanoke Valley Development Corporation (RVDC) and/or other parties as may be necessary, that will provide for a recapture of the investment to be made by some or all of such parties in connection with the lease, renovation and equipping of the Buildings, and which agreement will include a provision for the possible future sale of the Buildings; authorizing the City Manager to take such further action and to execute such further documents as may be necessary to implement and administer such lease and/or agreements; and dispensing with the second reading by title of this ordinance.

WHEREAS, the City has, by advertisement published once a week for two successive weeks in a paper of general circulation published in the City, publicly invited bids for the execution of an agreement to lease, renovate and equip the Buildings; and

WHEREAS, the City advertised a public hearing to be held on any such bids received, which hearing was held on July 1, 2002, and July 15, 2002, and continued generally at those times; and

WHEREAS, on July 1, 2002, WR submitted a bid to the City for leasing, renovating and equipping the Buildings, and no other bids were made to the City for such purposes; and

WHEREAS, the matter was referred to the City Manager for evaluation and negotiation with the bidder (WR) as to the terms and conditions for a lease and/or agreement; and

WHEREAS, negotiations between the City Manager and WR have resulted in drafts of a Lease Agreement and a Recapture of Investment Agreement, the latter of which includes four additional parties required for WR's financing of the project; and,

WHEREAS, the City Manager recommends that Council accept the bid of WR and approve the execution of the two agreements mentioned above, which are attached to the City Manager's letter to Council dated August 19, 2002; and

WHEREAS, the City advertised on August 12, 2002, a public hearing to be held on August 19, 2002, for consideration of awarding a lease and/or agreement between the City and Warehouse Row L. P. (WR) and that the City would also consider the possible lease of all or part of City owned property located at 117 - 123 Salem Avenue, S. W., Official Tax Map Nos. 1010409, 1010410 and 1010411 for use as parking spaces, in connection with such lease of the Buildings, for an initial term of five years; and

WHEREAS, Council held a public hearing on these matters at its meeting on August 19, 2002, at which all persons were accorded a full and fair opportunity to comment on such matters.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. City Council concurs in the City Manager's recommendation and that the acceptance of WR's bid and the award of a lease to WR, subject to the terms negotiated by the

City Manager, and authorizing the City Manager to execute a Lease Agreement and Recapture of Investment Agreement, substantially similar to the ones attached to the abovementioned City Manager's letter, will be in the best interest of the City in connection with attempting to develop the Buildings and promoting economic development in downtown Roanoke.

- 2. City Council accepts the bid of Warehouse Row, L.P., subject to the terms negotiated by the City Manager, to lease, renovate and equip the City owned buildings located at 117 and 119 Norfolk Avenue, S.W., for a period of 40 years, upon WR's commitment to provide for an investment of approximately \$1.7 million in renovations to and equipping of the Buildings so that such Buildings may be used for subleases by tenants in order to create tax revenue for the City and enhance economic development of the area, and upon such other terms and conditions as the City Manager may deem appropriate and agrees to, is hereby ACCEPTED, and Council hereby makes such award of a Lease Agreement to Warehouse Row, L.P., which also includes providing parking spaces, with the number of parking spaces to be determined by the parties, on all or part of City owned property located at 117 123 Salem Avenue, S. W., Official Tax Map Nos. 1010409, 1010410, and 1010411, to WR or its sublessees for use as parking spaces, in connection with the lease of the Buildings, for an initial term of five years, upon such terms and conditions as the City Manager agrees to and deems appropriate.
- 3. The City Manager and the City Clerk are authorized to execute and attest, respectively, a Lease Agreement between the City and Warehouse Row, L. P., as mentioned above and as further set forth in the above-mentioned City Manager's letter to this Council.
- 4. The City Manager and the City Clerk are hereby authorized to execute and attest, respectively, a Recapture of Investment Agreement among the City, Warehouse Row, L. P., Warehouse Row, L.L.C., as General Partner, Warehouse Row Lending, L.L.C., Carilion Health

System and Roanoke Valley Development Corporation and/or other parties as may be necessary, upon such terms and conditions as the City Manager may deem appropriate and agree to, and which Agreement is necessary for WR's financing of the project, and which Agreement provides

for the possible sale of the Buildings upon the request of certain of the parties.

5. The form of the Lease Agreement and the Recapture of Investment Agreement mentioned above will be approved by the City Attorney and such Agreements will be

substantially similar to the ones attached to the abovementioned City Manager's letter.

6. The City Manager is authorized to take such further action and/or execute such additional documents as may be necessary to implement and administer each of the various

agreements mentioned above.

7. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

4

CITY OF ROANOKE OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

August 19, 2002

Honorable Ralph K. Smith, Mayor Honorable C. Nelson Harris, Vice Mayor Honorable William D. Bestpitch, Council Member Honorable William H. Carder, Council Member Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Vacation and Dedication of Sanitary Sewer

Easement – 3138 Gum Spring Street, SE

Tax Map No. 4200901

The property owner at 3138 Gum Spring Street, Nellie M. Brown, has requested that the City vacate a portion of a sanitary sewer easement that runs under a corner of the house and patio. The encroachment of the residence was discovered when a survey plat was prepared prior to her purchase of the property. Ms. Brown has relocated a portion of the sewer line to remove the encroachment and is willing to dedicate to the City an easement for the new alignment. See Attachment #1 for plat showing both the easement to be vacated and a new 10' public sanitary sewer easement.

Recommended Action(s):

Following a public hearing, authorize the City Manager to execute the appropriate documents to accept the new easement, subject to a satisfactory environmental site inspection, and vacate the existing easement. The new easement shall be dedicated as a sanitary sewer easement. The property owner will be responsible for preparation of all necessary documents.

Respectfully submitted.

Darlene L. Burcham

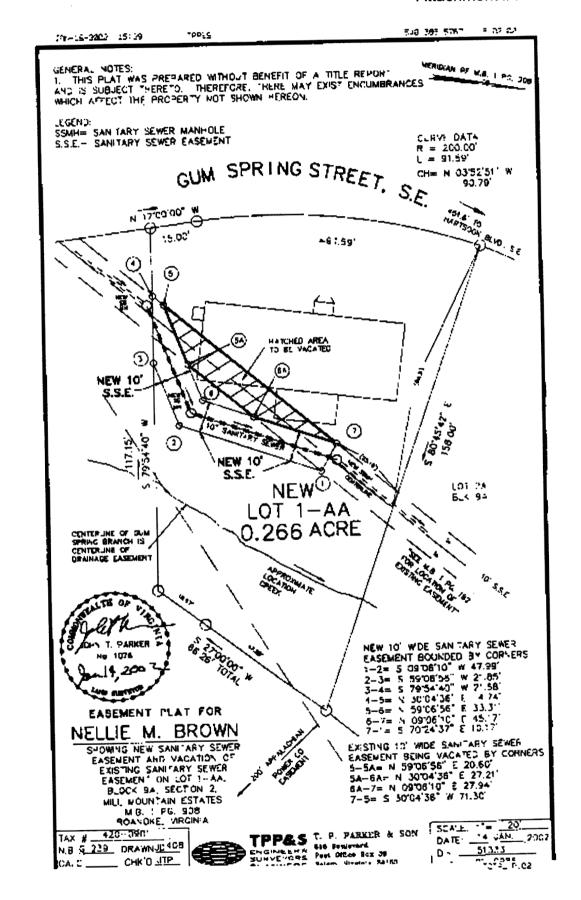
City Manager

DLB/SEF

Attachment

c: Mary F. Parker, City Clerk William M. Hackworth, City Attorney Jesse A. Hall, Director of Finance Philip C. Schirmer, City Engineer

#CM02-00181



1/20

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE authorizing the vacation of an easement on property identified as Official Tax Map No. 4200901 located on Gum Spring Street, S.E., upon certain terms and conditions, and dispensing with the second reading of this ordinance by title.

WHEREAS, a public hearing was held on August 19, 2002, pursuant to §§15.2-1800(B) and 1813, Code of Virginia (1950), as amended, at which hearing all parties in interest and citizens were afforded an opportunity to be heard on this proposed vacation.

THREFORE, BE IT ORDAINED by the Council of the City of Roanoke that:

- 1. The City Manger and City Clerk are authorized to execute and attest, respectively, in a form approved by the City Attorney, the necessary documents to vacate said easement upon the terms and conditions set forth in the City Manager's letter to this Council dated August 19, 2002.
- 2. Pursuant to Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

CITY OF ROANOKEOFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

August 19, 2002

Honorable Ralph K. Smith, Mayor Honorable C. Nelson Harris, Vice Mayor Honorable William D. Bestpitch, Council Member Honorable William H. Carder, Council Member Honorable Rupert M. Cutler, Council Member Honorable Alfred T. Dowe, Council Member Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject:

Lease Agreement for Use

of City Water Tank

Background:

City Council approved and adopted the City of Roanoke Policy as to Wireless Telecommunications Facilities located on City property dated January 21, 1997 in accordance with the recommendation set forth in a report of the Water Resources Committee dated February 3, 1997.

The City currently provides leased space on four (4) water tanks to Virginia PCS Alliance, L.C. and Triton PCS Property Company, L.L.C. Lease agreement renewals with these companies for use of City water tank facilities was approved July 15, 2002. The total annual revenue for all leases will be:

Honorable Mayor and Members of Council Lease Agreement for Use of City Water Tank August 19, 2002 Page 2

\$39,000/year for remainder of 2002

\$127,200/year from January 1, 2003 through December 31, 2003.

\$148,800/year from January 1, 2004 through December 31, 2004.

\$160,800/year from January 1, 2005 through July 31, 2007.

Current Situation:

Cellco Partnership, a Delaware general partnership, d/b/a/ Verizon Wireless with its principal office at 180 Washington Valley Road, Bedminster, New Jersey 07921, has requested to lease a portion of the Washington Heights Water Tank and ground site, which is located in the 4100 block of Wyoming Avenue, Tax Map No. 2770406. The purpose of this request is to install directional antennas, connecting cables and appurtenances.

To lease this property, a new lease agreement is required as well as a public hearing. The terms and conditions of this lease are in accordance with the City of Roanoke Policy as to Wireless Telecommunication Facilities located on City Property dated January 21, 1997 and substantially similar to the existing lease agreements with other entities using the City's water tanks. The term of this lease will be four (4) years and eleven (11) months commencing on September 1, 2002 and expiring on July 31, 2007. This lease may be renewed for up to two (2) five (5) year terms upon mutual agreement by the parties. The lease requires that the lessee post security to guarantee removal of the electronic facilities at the end of the lease – either cash or a bond in the amount of \$7,500 will be required. The rent for such lease is per month, per provider for leased space on one water tank and:

\$1000/month from September 1, 2002 through December 31, 2002.

\$1325/month from January 1, 2003 through December 31, 2003.

\$1550/month from January 1, 2004 through December 31, 2004.

\$1675/month from January 1, 2005 through July 31, 2007.

Honorable Mayor and Members of Council Lease Agreement for Use of City Water Tank August 19, 2002 Page 3

Recommended Action:

Council approve a new lease agreement between the City of Roanoke and Cellco Partnership, a Delaware general partnership, d/b/a/ Verizon Wireless, and authorize the City Manager to execute such agreement, in a form approved by the City Attorney. Furthermore, authorize the City Manager to take such further actions and execute such further documents as may be necessary to implement and administer such lease agreement.

Respectfully submitted,

Darlene L. Burcham City Manager

DLB:je

c: Mary F. Parker, City Clerk
George C. Snead, Jr., Assistant City Manager for Operations
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Michael McEvoy, Director of Utilities
Jesse Perdue, Water Division Manager
Dana Long, Manager, Billings & Collections

CM02-00184

CITY OF ROANOKE POLICY AS TO WIRELESS TELECOMMUNICATIONS FACILITIES LOCATED ON CITY PROPERTY

January 21, 1997

- 1. Wireless telecommunications facilities (towers, antenna and buildings) may be located on City of Roanoke (City) property pursuant to written lease with the approval of City Council. Grant of the privilege of using City property for such facilities shall be made on a competitively neutral and nondiscriminatory basis. No such lease shall exceed five (5) years in length, and all such leases, which shall be negotiated by the City Manager or his designee, shall require payment of fair and reasonable monthly rental fees or equivalent compensation and incorporate the terms of this policy.
- 2. All applicants who wish to locate a wireless telecommunication antenna or tower on City owned property must submit to the City Manager a completed application and detailed plan along with other pertinent information requested by the City.
- 3. All wireless telecommunications facilities shall comply with all applicable City zoning and development ordinances and regulations, all applicable building, electrical, plumbing, mechanical and property maintenance codes, and all other applicable codes, ordinances, and regulations of the City.
- 4. All wireless facilities shall comply with all applicable Federal and State laws and regulations, including Federal Communications Commission regulations.
- 5. No wireless facility shall interfere with the use of City property or any City facility for the purpose for which it is intended by the City. Furthermore, the location of any wireless facility shall be subject to City approval and a determination that sufficient space is available.
- 6. Recognizing that there is limited space available for wireless telecommunications facilities on City property, the privilege of using City property for such facilities shall be awarded on the following priority of use. Priority for the use of City owned land or any City owned tower, building, or other structure (City facility) for wireless telecommunication facilities will be given to the following entities in descending order:
 - A. City of Roanoke;
 - B. Public safety agencies, including law enforcement, fire and ambulance services which are not part of the City of Roanoke and private entities with a public safety agreement with the City of Roanoke;
 - C. Other governmental agencies, for uses which are not related to public safety; and
 - D. Entities providing licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized

mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

- 7. It shall be the responsibility of the owner of any wireless telecommunications facility located on City property to maintain such facility in an attractive, clean, safe and sanitary condition and to ensure such facility will not have any significant adverse impact on surrounding private property.
- 8. The owner of any wireless telecommunications facility located on City property shall be responsible for providing or causing to be provided any utilities (electricity, gas, telephone, water, sewer, etc.) required to serve such facility. The cost of utility services shall be billed directly to the owner and paid promptly.
- 9. The structural integrity and safety of any wireless telecommunications facility located on City property shall be certified to the City by an independent professional engineer licensed to practice in the Commonwealth of Virginia. The engineer will be selected by mutual agreement of the City and Lessee, but all costs and expenses shall be paid by Lessee. When a wireless telecommunications facility is attached to or located on a City facility, such certificate shall state that the structural integrity and safety of the City facility will not be adversely affected by the attachment or location of the owner's wireless telecommunications facility.
- 10. In the event any interference is caused to any television, radio, telephone, electronic, or other communications device on or off of City property by a wireless telecommunications facility located on City property, it shall be the responsibility of the owner of the wireless telecommunications facility located on City property to resolve any complaints in a timely rashion or remove its facility.
- 11. Aesthetics of wireless telecommunications facilities are a primary concern of the City. Wireless telecommunications facilities located in City parks, in City right-of-way or on other City property shall be designed to blend into their natural environment and be painted a color intended to blend into such environment. Any wireless telecommunications facility located on the ground shall be adequately screened by a dense planting of evergreen trees or shrubs which shall be maintained in good condition by the owner of the wireless telecommunications facility. Vegetative screening plans shall be approved in advance by the City Manager or his designee. Wireless telecommunications facilities attached to or located on any City facility shall be painted the same color as the City facility or such other color as the City may designate and shall be no higher than such City facility.
- 12. Insurance of the types and in the amounts specified by the City's Risk Manager shall be provided by the owner of each wireless telecommunications facility.
- 13. Indemnification and/or security approved by the City Attorney shall be required of the owner of each wireless telecommunications facility.
- 14. The owner or operator of any wireless telecommunications facility shall cooperate with the

City's objective to promote co-location and thus minimize the number of tower or antenna sites that may be requested or required.

- 15. When a wireless telecommunications facility is to be placed on or near City water towers or near any City water supply, the owner of such facility shall satisfy the City that such facility will not increase the risk of contamination of the City's water supply.
- 16. The presence of a wireless telecommunications facility on City property or City facility shall not increase the upkeep or maintenance cost of the City property or City facility.
- 17. The City Council reserves the right and may terminate any lease if it determines that any of the following conditions exist:
 - A. A potential user with gher priority cannot find another adequate location and the potential use of such higher priority user would be incompatible with the existing use of the wireless telecommunications facility;
 - B. A user's frequency broadcasts unreasonably interferes with other users of higher priority, regardless of whether or not this interference is adequately predicted in the technical analysis; or
 - C. An owner or operator of a wireless telecommunications facility located on City property or City facilities violates any of the standards in this policy or the conditions attached to the City permission to use City property or City facilities or violates any of the provisions of the lease with the City.

Before taking action, the City will provide notice to the owner of the wireless telecommunications facility of the intent of termination and reasons for it and provide an opportunity for the owner to address City Council regarding the proposed termination action. This procedure need not be followed in an emergency situation.

- 18. Notwithstanding anything set forth in the above policy, City Council hereby reserves the right to deny, for any reason, the use of any or all City property or City facilities by any one or all owners of wireless telecommunications facilities seeking to use City property or City facilities.
- 19. This policy shall be effective after its adoption by the City Council.

306

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

The 3rd day of February, 1997.

No. 33253-020397.

AN RESOLUTION approving and adopting the City of Rosnoke Policy sa to Wireless Telecommunications Facilities located on City property dated January 21, 1997, in accordance with the recommendation of the Water Resources Committee report to this Council dated February 3, 1997.

THEREFORE, BE IT RESOLVED, by the Council of the City of Rosnoke that:

- Thia Council approves and adopts the City of Roanoke Policy as in Wireless Telecommunications Facilities located on City property dated January 21, 1897 in accordance with the Water Recources Committee report dated February 3, 1997.
- The City Manager, or his designes, is hereby authorized to take appropriate action to implement this Policy.

APPROVED

Mery F. Parker

City Clerk

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

The 3rd day of February, 1997.

No. 33264-020397.

AN ORDINANCE to amend and reordain cartain sections of the 1995-97 General and Capital Projects Fund Appropriations, and providing for an emergency.

WHEREAS, for the usual daily operation of the Municipal Government of the City of Rosnoke, an emergency is declared to exist.

Page 306 of 604

Powered by LaserFiche WebLink v5.01: Registered to City of Roanoke

Piti

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE authorizing the proper City officials to enter into a Lease Agreement between the City and Cellco Partnership, a Delaware general partnership, d/b/a Verizon Wireless, for use of a portion of a City owned water tank and the site on which it sits, which is located in the 4100 block of Wyoming Avenue, Tax Map No. 2770406, known as the Washington Heights Water Tank, and which will provide that Cellco Partnership will use such area for the placement, operation, and maintenance of personal communication system antennas and related equipment, upon certain terms and conditions; authorizing the City Manager to take such further action and execute such additional documents as may be necessary to implement and administer such Lease Agreement; and dispensing with the second reading by title of this ordinance.

WHEREAS, the Council of the City of Roanoke has held a public hearing on this matter, after proper advertisement as are required by §15.2-1800, et seq., Code of Virginia (1950), as amended.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. The City Manager and City Clerk are authorized to execute and attest, respectively, on behalf of the City of Roanoke, in form approved by the City Attorney, a Lease Agreement between the City and Cellco Partnership, a Delaware general partnership,

d/b/a Verizon Wireless, for the use of a portion of a City-owned water tank known as the

Washington Heights Water Tank, and the site upon which it is located, which is in is located

in the 4100 block of Wyoming Avenue, bearing Tax Map No. 2770406, with such use being

for the placement, operation, and maintenance of personal communication system antennas

and related equipment for a period to commence on September 1, 2002, and to run through

July 31, 2007, with up to two five-year renewals upon mutual agreement of the parties and

with a rental rate per month as follows:

\$1,000.00/month from September 1, 2002, through December 1, 2002;

\$1,325.00/month from January 1, 2003, through December 31, 2003;

\$1,550.00/month from January 1, 2004, through December 31, 2004;

\$1,675.00/month from January 1, 2005, through July 31, 2007;

and upon such other terms and conditions as may are deemed appropriate by the City

Manager, as more particularly set forth in the City Manager's letter to City Council dated

August 19, 2002.

2. The City Manager is authorized take such further actions and execute such

additional documents as may be necessary to implement and administer such Lease

Agreement.

3. Pursuant to Section 12 of the City Charter, the second reading of this

ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

H:\MEASURES\o-leasewatertankcellco.1.doc

2